

# BACKGROUND NOTE

## Commission Decision (EU) 2025/1771 of 8 September 2025

on fees due to the European Union Agency for the Cooperation of Energy Regulators for its tasks under Regulation (EU) No 1227/2011 of 25 October 2011 on wholesale energy market integrity and transparency and repealing Decision (EU) 2020/2152

14 January 2026

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## Table of contents

1.	BACKGROUND.....	4
2.	LEGAL BASIS.....	6
3.	STAKEHOLDER CONSULTATIONS AND WEBINAR .....	7
4.	EVALUATION OF THE 2020 FEE DECISION IMPLEMENTATION .....	9
5.	THE CONTENT OF THE 2025 FEE DECISION .....	12

# 1. BACKGROUND

Commission Decision (EU) 2025/1771 of 8 September 2025<sup>1</sup> (the “2025 Fee Decision”) repeals and replaces Commission Decision (EU) 2020/2052<sup>2</sup> adopted in December 2020 (the “2020 Fee Decision”) pursuant to Article 32 of Regulation (EU) 2019/942 (“ACER Regulation”)<sup>3</sup>. Article 32(1) of the ACER Regulation provides that fees shall be due to the European Union Agency for the Cooperation of Energy Regulators (“ACER”) for its tasks under Regulation (EU) No 1227/2011 (“REMIT”)<sup>4</sup>. The objective of REMIT is to enhance integrity and transparency of trading in EU wholesale energy markets for the benefit of European energy consumers. REMIT introduced a sector-specific framework for the monitoring of wholesale energy markets, with the objective of detecting and deterring market abuse. Under such framework, details of records of wholesale energy market transactions, including orders to trade, are reported by market participants (“MPs”), mostly through third parties acting on their behalf, directly to ACER at Union level. These third parties are called registered reporting mechanisms (“RRMs”). MPs are also required to disclose inside information and submit inside information reports to ACER, which the majority of them is doing via third parties called inside information platforms (“IIPs”). For this purpose, ACER has been registering RRM and IIPs who comply with certain criteria. In particular, RRM are currently registered pursuant to Article 11 of Commission Implementing Regulation (EU) No 1348/2014<sup>5</sup> (“REMIT IR”), whereas IIPs are registered based on ACER’s internal documentation.

In light of the evolving energy markets and the energy crisis, REMIT was amended in May 2024 by Regulation (EU) 2024/1106<sup>6</sup> (“REMIT II”) and Regulation (EU) 2024/1789<sup>7</sup>. The original REMIT framework was revised in order to strengthen transparency and monitoring in wholesale energy markets, align definitions and rules with financial market legislation, and improve enforcement, particularly for cross-border market abuse. It broadens the scope of covered products and participants, while granting ACER and national regulators enhanced

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<sup>1</sup> Commission Decision (EU) 2025/1771 of 8 September 2025 on fees due to the European Union Agency for the Cooperation of Energy Regulators for its tasks under Regulation (EU) No 1227/2011 of the European Parliament and of the Council and repealing Commission Decision (EU) 2020/2152 (ELI: <http://data.europa.eu/eli/dec/2025/1771/oj> )

<sup>2</sup> Commission Decision (EU) 2020/2152 of 17 December 2020 on fees due to the European Union Agency for the Cooperation of Energy Regulators for collecting, handling, processing and analysing of information reported under Regulation (EU) No 1227/2011 of the European Parliament and of the Council (ELI: <http://data.europa.eu/eli/dec/2020/2152/oj>).

<sup>3</sup> Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (recast) ELI: <http://data.europa.eu/eli/reg/2019/942/2025-02-05>.

<sup>4</sup> Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (ELI: <http://data.europa.eu/eli/reg/2011/1227/2025-02-05>).

<sup>5</sup> Commission Implementing Regulation (EU) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency (ELI: [http://data.europa.eu/eli/reg\\_impl/2014/1348/oj](http://data.europa.eu/eli/reg_impl/2014/1348/oj)).

<sup>6</sup> Regulation (EU) 2024/1106 of the European Parliament and of the Council of 11 April 2024 amending Regulations (EU) 1227/2011 and (EU) 2019/942 as regards improving the Union’s protection against market manipulation on the wholesale energy market (ELI: <http://data.europa.eu/eli/reg/2024/1106/oj>).

<sup>7</sup> Regulation (EU) 2024/1789 of the European Parliament and of the Council of 13 June 2024 on the internal markets for renewable gas, natural gas and hydrogen, amending Regulations (EU) No 1227/2011, (EU) 2017/1938, (EU) 2019/942 and (EU) 2022/869 and Decision (EU) 2017/684 and repealing Regulation (EC) No 715/2009 (recast) (ELI: <http://data.europa.eu/eli/reg/2024/1789/oj>).

powers to supervise, investigate, and sanction misconduct, thereby supporting market integrity, price stability, and consumer protection. Pursuant to Article 4 and Article 8 of REMIT, as amended, all REMIT-related data should be reported to ACER via IIPs and RRM. Pursuant to Article 4a and Article 9a of REMIT II, IIPs and RRM will in the future need to be authorised by ACER.

REMIT II also amended Article 32 of the ACER Regulation by:

- extending the fee-paying requirement to IIPs;
- extending the scope of eligible costs possibly paid from fee revenues to the new supervision and investigatory powers given to ACER pursuant to Articles 13 to 13c and 16 of REMIT, as amended.

Furthermore, the 2020 Fee Decision had never been updated before and adjusted to inflation and to changes in the market (e.g. more high frequency trading). The 2025 Fee Decision also provided an opportunity to adjust the 2020 Fee Decision based on almost 5 years of experience with its implementation.

## 2. LEGAL BASIS

Pursuant to Article 32(1) of the ACER Regulation, fees shall be due to ACER for “*collecting, handling, processing and analysing of information reported by MPs or by entities reporting on their behalf pursuant to Article 8 of REMIT and for disclosing inside information pursuant Articles 4 and 4a of REMIT*”. Article 32(1) specifies that the fees shall be paid by RRM and IIPs. Moreover, Article 32(1) allows ACER to use fees to cover costs for exercising the new supervision and investigatory powers pursuant to Articles 13 to 13c and Article 16 of REMIT, as amended.

The ACER Regulation also sets clear conditions the fee scheme needs to fulfil: fees shall be proportionate to the costs of the relevant services as provided in a cost-effective way and shall be sufficient to cover those costs. Those fees shall be set at such a level as to ensure that they are non-discriminatory and that they avoid placing an undue financial or administrative burden on MPs or entities acting on their behalf.

Pursuant to Article 32(2) of the ACER Regulation, the fees and the way in which they are to be paid shall be set by the Commission.

### 3. STAKEHOLDER CONSULTATIONS AND WEBINAR

#### **Workshops with RRM and IIPs on 17 and 18 September 2024**

On 17 and 18 September 2024, roundtable meetings (virtual, using Webex) took place to which all RRM and IIPs registered by ACER, as well as associations representing them or MPs had been invited.

#### **Open public consultation**

An open public consultation took place from 2 October 2024 to 27 November 2024. 51 responses were received. A factual summary of the responses is available on the Commission's "Have Your Say" website<sup>8</sup>.

The public consultation presented stakeholders with six main areas for discussion, as follows:

1. Basic structure of the fee scheme: what has been the experience with the 2020 Fee Decision and its implementation so far and whether there is a need for changes.
2. Stakeholders' views on the proposal for introducing an IIPs' flat annual fee equal to the RRM's one (without transaction records-based fee component).
3. What the appropriate level of the flat enrollment fee should be for RRM and IIPs (with a proposal for IIP-flat fees to be equal to the RRM-ones, which are to be increased).
4. Transaction records-based fee component: whether to add additional data clusters and increase the level of the fee subcomponent for each data cluster. Were the "x2 factor" from one data cluster to the next to be increased, which level would be the most appropriate.
5. Stakeholders' views on whether to introduce an additional fee component. Would there be an alternative method to ensure that the collected fee cover all incurred costs by ACER?
6. How to adapt fees to inflation.

#### **ACER's Administrative Board**

ACER's Administrative Board ("AB") was consulted, according to Article 32 of the ACER Regulation, by presenting an outline of the suggested changes to the 2020 Fee Decision, as included in the public consultation, in the AB's meeting of 23 October 2024.

The AB considered the suggested elements in the public consultation as appropriate. It emphasised the relevance of the fee concept which is to ensure strong market oversight that ultimately serves the interests of consumers and to provide ACER budgetary revenues for REMIT related tasks.

#### **ACER's Board of Regulators**

The Commission consulted ACER's Board of Regulators ("BoR") on the suggested changes to the 2020 Fee Decision in the BoR meeting of 23 October 2024, according to Article 32 of the ACER Regulation. On 28 November 2024, the BoR submitted jointly agreed written comments to the Commission.

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<sup>8</sup> Fees paid to the Agency for the Cooperation of Energy Regulators (ACER) – update.

In summary, the BoR had the following comments:

- Generally the BoR considered that the possibility to collect REMIT fees has proven its efficiency as an important element to ensure adequate financing of the REMIT activities.
- The fee model should be tailored to fulfil the multitude of requirements without, however, complicating it and without placing an undue financial or administrative burden on stakeholders.
- The BoR considered appropriate the suggested refinement of the fee model, based on the experience of previous years, consisting on keeping the two-part structure (enrolment fee + transaction records-based fee component) while accounting for the increase in trading activity and introducing an automatic alignment to inflation.
- Regarding the cost increase of previous years, the BoR understood the suggestion in the public consultation to introduce an extended correction mechanism (“supervisory fee”) to cover a potential deficit for ACER in case the overall amount of REMIT fees does not cover the eligible costs (to ensure a stable funding of ACER’s REMIT activities and thus effective oversight of the market). However, the BoR strongly recommended to the Commission to establish an appropriate mechanism allowing the application of this extension (i.e. to cover a potential deficit) only for unexpected cost increases beyond ACER’s control.

#### **Joint Commission / ACER webinar of 18 July on the presentation of the 2025 Fee Decision**

The Commission and ACER organised a joint webinar on 18 July 2025 to present to stakeholders the final draft of the 2025 Fee Decision, ahead of its imminent adoption. The presentation of the content of the final draft of the 2025 Fee Decision was followed by a Q&A session, during which the Commission and ACER addressed the questions raised by stakeholders.



## 4. EVALUATION OF THE 2020 FEE DECISION IMPLEMENTATION

### 2020 Fee Decision implementation

The Commission has been monitoring the implementation of REMIT fees since their introduction in 2021. Between 2021 and 2025, ACER consistently collected less revenue than the eligible costs approved annually by the AB, with the exception of 2022. The deficit ranged from approximately 1 million EUR in 2023 and 2024 to a significant 7.6 million EUR in 2025. The latter is primarily due to increased operational costs stemming from additional tasks mandated by REMIT II, some of which entered into force already in May 2024. In 2025, IT expenses accounted for roughly half of ACER's budget, but staff costs are projected to rise starting in 2026 as new positions are added to address expanded responsibilities. Future projections for 2026–2028 indicated that the continued application of the 2020 Fee Decision (i.e., had the Commission decided not to amend it) would have brought about an annual deficit of around 10 million EUR, reflecting growing staffing and operational demands. In addition, the number of REMIT-related records submitted to ACER has surged at an average annual rate of 47%, as shown in Figure 1, further contributing to higher processing costs incurred by ACER.

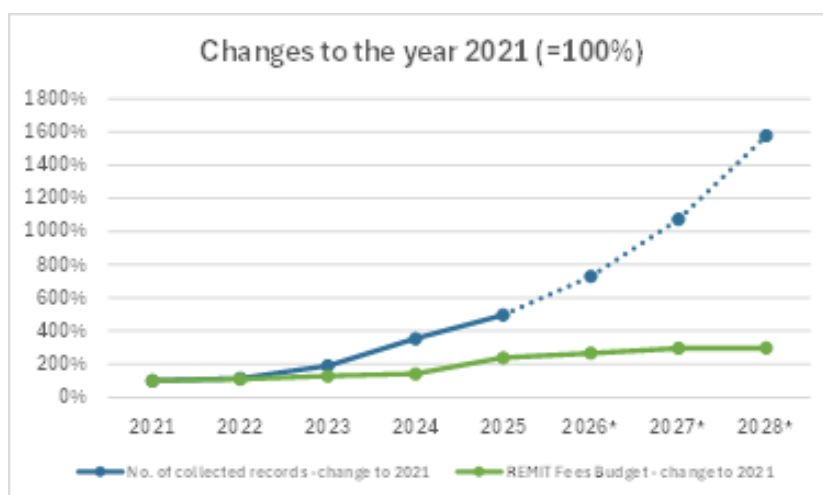


Figure 1: Growth of REMIT Fees budget and growth of records used for the REMIT fees calculation for 2021–2025 with the projection of number of records for 2026–2028 (Source: ACER)

### Focus on RRM fees stakeholders

Following an initial reduction of approximately 14 RRMs from 2020 to 2021, the total number of active RRMs remained relatively stable between 2021 and 2024, as illustrated in Figure 2. During this period, the number of registered RRMs ranged between 104 and 107.

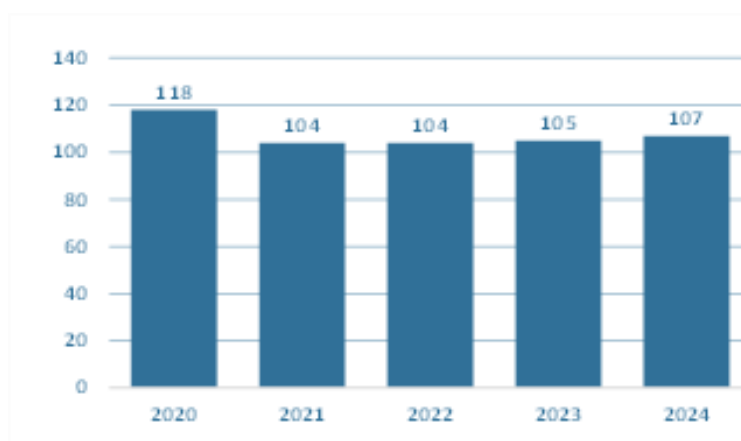


Figure 2: Number of RRM at the end of the year for 2020–2024 (Source: ACER)

The number of MPs registered at the end of 2024 increased by approximately a quarter compared to the end of 2021, when a significant number of UK-based MPs deregistered following Brexit. In December 2024, the CEREMP database recorded nearly 19,000 registered MPs (Figure 3). For the 2024 fee calculation, data was submitted on behalf of 11,083 MPs, reflecting ongoing administrative demands and the evolving composition of the market.

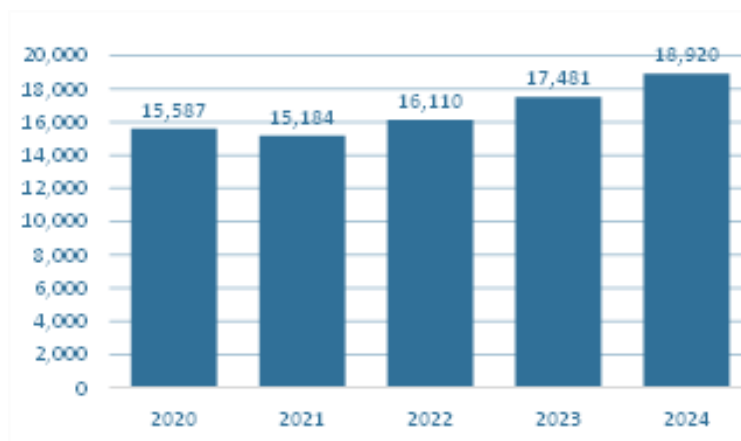


Figure 3: Number of MPs at the end of the year for 2020–2024 (Source: ACER)

### Experience with the implementation of the 2020 Fee Decision

Since the 2020 REMIT fees model was introduced, ACER streamlined its administrative processes to support the annual issuance of debit notes to RRM. While the model itself is relatively straightforward and manageable for ACER, partly due to the limited number of fee-paying entities, it effectively addresses the complexity of reporting by grouping data into clusters that reflect ACER’s resource allocation for processing and analysing transactions.

Despite one ongoing legal challenge from an RRM against the 2020 Fee Decision (a case unresolved for several years), ACER’s communication with RRM consistently shows broad acceptance of the fees model. To further facilitate compliance and transparency, ACER provides quarterly breakdowns to RRM at the end of each quarter. These documents detail data clusters and the associated number of records, enabling RRM to cross-check ACER’s data with their own records and resolve discrepancies before annual debit notes are issued. The breakdowns also help RRM estimate their upcoming fee obligations, ensuring preparedness for the next billing cycle.

RRMs typically pass REMIT fees on to their customers, using the detailed data clusters and specifications provided by ACER to distribute costs accurately. Most RRM s follow payment deadlines, with only a small number of cases experiencing delays beyond one month. This suggests that RRM s generally succeed in recovering fees from their customers. Notably, several large RRM s have adopted IT systems to automate the distribution of REMIT fees to MPs, enhancing efficiency and compliance.

## 5. THE CONTENT OF THE 2025 FEE DECISION

### **Factual background: need for updates to the 2020 Fee Decision**

The increase in ACER's eligible costs, as explained in Section 4, combined with the fact that the revised REMIT Implementing Regulation - which will, among others, operationalise the new reporting obligations included in REMIT II - will be adopted soon, highlight the need for having a robust and fit-for-purpose fee framework in place that covers ACER's REMIT-related costs, so that ACER is able to perform its tasks appropriately. As noted in recitals 12 and 18 of the 2025 Fee Decision, the Commission remains committed to maintaining proportionality between REMIT fees and ACER's operational needs while addressing the administrative challenges posed by the expanded regulatory framework. The amendments made in the 2025 Fee Decision are meant to prioritise balancing cost coverage with efficient resource allocation to sustain ACER's capacity to fulfill its mandate. Moreover, the Commission continues to monitor the alignment between REMIT fee collection, the number of RRM and MPs, and the associated operational costs to ensure the regulatory framework remains fit for purpose.

In light of the above, the fees in the 2025 Fee Decision underwent an increase. That increase ensures that ACER has all the necessary resources to cover its costs from its relevant tasks under REMIT II, as per Article 32 of the ACER Regulation. In addition to the increase proposed for the fees due to ACER, the Commission inserted in the 2025 Fee Decision two new Articles empowering ACER to invoice surcharges to RRM / MPs to cover deficits for 2025 and 2026.

As mentioned above, apart for 2022, when a reduction factor was applied to ensure ACER's revenues did not exceed eligible costs, ACER has consistently faced annual deficits since the introduction of REMIT fees. These deficits, amounting to 1 million EUR in 2023 and 2024, and rising to 7.6 million EUR in 2025, are attributed to increased operational costs stemming from the new tasks introduced in REMIT II, and to the exponential growth in data reporting volumes. Without the adjustments in the 2025 Fee Decision, ACER would face similar or larger deficits in future years, undermining its capacity to fulfil its expanded mandate under REMIT II.

To address the immediate need to cover ACER's deficit of 7.6 million EUR in 2025, the Commission introduced in Article 10 of the 2025 Fee Decision an obligation on ACER to send each RRM an invoice for a surcharge within two weeks of the entry into force of the Decision. According to Article 10 of the 2025 Fee Decision, ACER is to calculate the surcharge for each RRM based on the number of MPs each RRM reported during January–June 2025. More specifically:

- According to calculations based on data provided by ACER, on the basis of which ACER sent out relevant invoices, the vast majority of MPs faced a surcharge of less than 500 EUR, while larger entities using multiple RRMs bore a higher share, reflecting their greater reporting activity. This is because the surcharge was calculated by dividing 7.6 million EUR by the total number of MPs (15,000 as of Q1 2025).
- For MPs using multiple RRMs (up to 39 in the largest cases), the surcharge scaled accordingly, reaching a maximum of 19,500 EUR per MP. This affected only a small number of large market players with multi-million annual earnings, as their transaction-based fees in 2025 far exceeded these surcharge amounts.

The simple and straightforward way for ACER to calculate the surcharge for each RRM by reference to the number of MPs each RRM serves – as per Article 10 of the 2025 Fee Decision, does not necessarily need to be followed by the RRMs when calculating pro-rata the amount they will then claim from their market participants. In other words, RRMs are free to calculate

the pro-rata amounts to be claimed by each and every MP based on the trading activity of the latter.

The legal basis for the surcharge for year 2025 is to be found in Article 32(2) of the ACER Regulation, according to which the fees due to ACER shall be sufficient to cover ACER's costs for providing the relevant services detailed above.

A similar mechanism was introduced in Article 11 of the 2025 Fee Decision for year 2026 and will be activated by ACER only if the need to cover a budget gap persists. As mentioned during the webinar in July 2025, the Commission understands that in practice this provision is less likely to be used by ACER.

### **Operational justifications for fee increase**

As indicated above, the fee model included in the 2020 Fee Decision, while broadly accepted by stakeholders, proved insufficient to cover ACER's operational demands, including the integration of new tasks such as supervising IIPs and managing the exponential surge in reporting data volumes (47% annual growth since 2021). The 2025 deficit of 7.6 million EUR, nearly eightfold the deficits of 2023 and 2024, emphasised the urgency of recalibrating fees to align with the projected 9–11 million EUR annual shortfall from 2026 onward.

With the above considerations in mind, the 2025 Fee Decision put forward, among others:

- (i) An increase of the flat enrolment fee for RRM.
- (ii) Corresponding increases from the remaining fee components from the fees due by RRM.
- (iii) Automatic inflation adjustments.

### ***Increase of the flat enrolment fee for RRM***

According to calculations based on data provided by ACER, the flat enrolment fees represented 6,7% of the total amount of fees due to ACER. Hence, the increase of the flat fee went from 9,000 EUR to 15,000 EUR, as the latter would also represent 6,7% of the expected total amount of fees due to ACER for 2026 (according to the mentioned calculations).

### ***Amendments to the transaction record-based fee components***

The increase in revenues generated from the transaction records-based fee component emerged from the amendments introduced in the tables included in Article 7. It was designed in a proportionate way so as to avoid a large increase of revenue stemming from smaller MPs reporting a low number of transactions records but also to avoid that revenues stemming from MPs reporting a high volume of transaction records increase excessively.

### ***Automatic adjustment to inflation***

In order to avoid that the 2025 Fee Decision would need to be amended purely because fee revenues are insufficient to cover ACER's eligible costs due to inflation, the 2025 Fee Decision specifically provided for the fees to be automatically adjusted to inflation, should fee revenues fall below eligible costs. Further, to allow RRM and IIPs to prepare for the changes to the different fee components, the adjustment should only have effect in the subsequent year and should be announced by ACER sufficiently in advance.

### ***Other amendments***

Following up on amendments brought about by REMIT II, the 2025 Fee Decision introduced a flat enrolment fee for IIPs of 15,000 EUR (as for RRM) and an additional fee component for RRM which is referred to as exposure report-based fee component. This amounts to a flat fee of 500 EUR per exposure report per MP submitted to ACER.

**Commission’s assessment of received feedback to inform the 2025 Fee Decision**

The 2025 Fee Decision has been drafted taking into account the feedback received from stakeholders in multiple fora, as described above.

In particular, the results of the public consultation have been assessed by the Commission to inform the review of the 2020 Fee Decision as follows:

- The Commission addressed calls for standardised enrollment fees and a more detailed fee calculation approach by setting enrollment fees for both RRM and IIPs at 15,000 EUR and expanding the data clusters for the RRM transaction-based fee component, a change supported by most stakeholders.
- Some respondents opposed applying a variable transaction-based fee to IIPs, which was considered by the Commission in setting the IIP fee at a fixed amount.
- Although alternative fee structures were suggested, the Commission prioritised clarity, transparency, and time for adjustment by retaining the current RRM fee calculation method, which stakeholders are already familiar with.
- Although most respondents opposed automatically adjusting fees for inflation, the Commission emphasised the importance of preventing future amendments to the 2025 Fee Decision solely because inflation could reduce fee revenue below the level needed to cover ACER’s eligible costs. To address this, the Commission considered the arguments of those who supported tying fees to an appropriate inflation index. To allow RRM and IIPs adequate time to adjust, the inflation-linked fee changes will take effect the following year after the need arises and will be announced well in advance.

Moreover, the changes introduced with the 2025 Fee Decision were in line with the comments of the BoR. In particular, while a “correction mechanism” was introduced in case fee revenues will not be sufficient to cover eligible costs, it will only apply until 2026 and will have a cap, limiting the amount of eligible costs ACER can cover with it. In this way, the Commission tied the correction mechanism only to unexpected cost increases beyond ACER’s control.

**The basic structure of the 2025 Fee Decision’s scheme**

The changes introduced with the 2025 Fee Decision maintained the basic structure of the 2020 Fee Decision’s scheme:

1. The total costs to be covered by fees are identified in the programming document adopted by ACER’s AB at the end of each year.
2. At the beginning of the year, ACER calculates the fees to be paid by each RRM based on data from the previous year. The RRM fees consist of three components:
  - (i) A flat enrolment fee component;
  - (ii) A transaction records-based fee component, depending on the number of MPs reporting via the RRM and on how many records they generate at different organised market places (“OMPs”) or outside OMPs;
  - (iii) An amount to balance differences between the transaction records-based fee component paid in the previous year and the transaction records-based fee component that would have been paid according to the actual reporting in that year.
3. Should the total amount of fees to be paid by all RRM exceed the total eligible costs, the individual amounts payable by each RRM are reduced pro-rata (so called “reduction factor”).
4. ACER sends out invoices (debit notes) to reporting parties.
5. The same cycle is repeated each year.

The 2025 Fee Decision supplemented the basic structure described above as follows:

1. The basic structure also applies to IIPs with the difference to RRM that they only have to pay a flat enrollment fee.
2. When the exposure reporting obligation according to the revision of the REMIT IR will start applying (the “reference year”), an exposure report-based fee component will also apply for RRM starting from the year following the reference year (each year calculated based in exposure reports submitted during the previous year).

Objective of this design of the fee scheme is to ensure that:

1. IIPs only have to pay a fix amount, but also RRM are able to estimate the amount of fees they will need to pay based on the information provided in the 2025 Fee Decision.
2. Fee income will not exceed eligible costs (no need to set aside fee income for next year).
3. Fee income will cover most of the costs which are to be covered with fees: the difference between those costs and fee income is limited to cases of unenforceable debts.

### **Explanation of the provisions in the 2025 Fee Decision**

Articles 1 and 2 cover the subject matter and objectives of the 2025 Fee Decision, and definitions.

Article 3 stipulates that ACER needs to identify costs eligible for being funded by fees and to determine the amount which shall be covered by fees in its programming document which is adopted by the end of each year. This amount cannot be higher than the total eligible costs, but needs to be lower than the EU budget contribution. The latter has the purpose to ensure that ACER continues to be “*mainly financed from the general budget of the Union*” (recital 37 of the ACER Regulation). To ensure transparency, Article 3 also requires ACER to report in the Consolidated Annual Activity Report (CAAR) the amount of fees which was collected and how they were spent. The changes introduced with the 2025 Fee Decision extend the scope of eligible costs to costs related to reporting by IIPs and to the costs for ACER’s new supervision and investigation powers pursuant to Articles 13 to 13c and 16 of REMIT.

Article 4 lays down that each RRM has to pay a yearly fee and how those fees are to be paid. Specific rules apply to newly registered RRM: half of the flat enrolment fee component needs to be paid upfront regardless if the application for registration is successful, since ACER also incurs costs in case the application needs to be rejected due to the failure of the applicant to meet the requirements for registration pursuant to Article 11 of the REMIT IR or for authorisation according to the delegated act pursuant to Article 9a(6) of REMIT. The changes introduced with the 2025 Fee Decision adapt the rules for paying fees in instalments to the expected higher fee revenue: while RRM receiving an invoice exceeding EUR 250 000 will still be able to pay the fees in instalments, the late deadline of 30 September for the last instalment will only apply to RRM paying a fee exceeding EUR 1 million.

A new Article 5 has been introduced with the 2025 Fee Decision, which lays down that each IIP has to pay a flat enrolment fee, equivalent to the flat enrolment fee component RRM have to pay, and how this fee is to be paid.

Article 6 (previously Article 5) lays down how the yearly fees the different RRM need to pay are calculated. Fees are the sum of:



1. A flat enrolment fee component which is the same for each RRM. The changes introduced with the 2025 Fee Decision increase this fee component from EUR 9,000 to EUR 15,000.
2. An exposure report-based fee component of EUR 500 per exposure report has also been introduced depending on the number of exposure reports the RRM submits to ACER.
3. Except for those RRM which only report fundamental data, a transaction records-based fee component, depending on the number of MPs reporting via the RRM and on how many records they generate at different OMPs or outside OMPs.
4. The changes introduced with the 2025 Fee Decision add an addition or a deduction to balance differences between the exposure report-based fee component paid in the previous year and the exposure report-based fee component that would have been paid according to the actual reporting in that year. This is a provision equivalent to the correction amount for the transaction records-based fee component.
5. An addition or a deduction to balance differences between the transaction records-based fee component paid in the previous year and the transaction records-based fee component that would have been paid according to the actual reporting in that year. This is especially relevant in the case of new RRM whose fee in the first year cannot be based on their reporting in the previous year.

Even after possible deductions, RRM will, as a minimum, have to pay the flat enrolment fee component.

If the total of this calculation and the yearly fees from IIPs is higher than the set amount to be covered by fees, the fees for each RRM or IIP will be reduced proportionally.

Article 7 (previously Article 6) specifies the calculation of the transaction records-based fee component.

For each RRM the number of its “data clusters” are identified. A data cluster consists of all transaction records a specific MP generates at a specific OMP or of all activities of a specific MP taking place outside an OMP. With the changes introduced with the 2025 Fee Decision, transaction records related to transportation of electricity or gas are no longer considered separately. Then for each data cluster the fee subcomponent is identified, which depends on the number of transaction records. The fee subcomponents for transaction records stemming from outside OMPs are more costly than those from OMPs, since standardised transactions at OMPs entail lower marginal costs for ACER than non-standardised transactions.

#### EXAMPLE:

To provide an example for the calculation of the transaction records-based fee component with the 2025 Fee Decision:

Assuming two MPs report via an RRM; MP 1 creates 50,000 transaction records at OMP X and 8000 transaction records at OMP Y; MP 2 creates 80 million transaction records at OMP Y and also concludes 50 contracts outside an OMP. The total of the subcomponent fees (listed in the same order) for this RRM would be  $2,000 + 1,000 + 16,000 + 500 = 19,500$  EUR. Together with the flat fee component and assuming that the RRM had not submitted exposure reports, the RRM would need to pay a total fee of 34,500 EUR.



This is a theoretical example, since usually OMPs are RRM, hence the two MPs would normally report via three RRM: OMP X, OMP Y and a RRM for the contracts concluded outside an OMP.

In case of a newly registered or authorised RRM, there is no data from previous year for calculating the transaction-records based fee component. Therefore, an amount per calendar day from the time of registration until the end of the year needs to be set. The changes introduced with the 2025 Fee Decision increase the amount from EUR 65.- to EUR 100.- per day which would, in theory, amount to EUR 36,500.- over a whole year. This is slightly higher than the median of the transaction-records based fee components RRM are estimated as having to pay in 2026, based on ACER's calculations. Should the actual reporting be different than reflected in this assumed amount, then this will be taken into account when calculating the fee in the following year.

Additional adjustments are needed also in the process of calculating the transaction-based fee for the RRM's second year of reporting. Since a newly registered RRM has not reported data for the whole of its first year as RRM, the volumes of those reported transaction records need to be extrapolated to a full year for the purpose of identifying the fee subcomponents and consequently calculating the transaction-record based component of the fee to be paid in its second year as RRM. For the purpose of calculating the correction amount, this transaction-records based fee component needs again to be adapted to the period in the first year the new RRM has actually reported data, since otherwise it would have to make an additional payment as if it were an RRM for the whole of the first year.

Article 8 is introduced with the 2025 Fee Decision, providing for an automatic inflation adjustment of all fee amounts in the Decision in case fee revenues fall short of matching eligible costs. The adjustment would become applicable for the fee collection in the subsequent year and is linked to an objective parameter applicable across the EU, namely the "Eurostat HICP (All items)".

Article 9 (previously Article 7) sets out the rules in case invoices are not paid. Next to referring to the generally applicable provisions on enforcing debts, paragraph 2 provides ACER with the possibility to restrict services to those RRM which are considerably overdue with paying the fee. This provision enforces Article 71 of Commission Delegated Regulation (EU) 2019/715 (the financial regulation for agencies) which stipulates that agencies should only provide services after fees are paid.

A new Article 10, introduced with the 2025 Fee Decision, lays down specific rules applying in 2025. Concretely, Article 10 provides ACER with the power to levy a surcharge to cover the difference between the fee revenues needed by ACER in 2025 and the amount already invoiced at the beginning of 2025. The formula for calculating such a surcharge depends on the number of MPs a RRM is reporting transaction records for.

A new Article 11 is also introduced with the 2025 Fee Decision, laying down specific rules applying in 2026. In particular, it provides ACER with the power to levy a surcharge in case the fee revenues calculated in January 2026 would be lower than the fee revenues needed by ACER in 2026. Also in this case, the formula for calculating such a surcharge depends on the number of MPs a RRM is reporting transaction records for.

Finally, a new Article 12 is introduced with the 2025 Fee Decision, laying down specific rules applying once the exposure reporting obligation according to the revision of the REMIT IR will start applying.