



Customer Notice Regarding REMIT Registration and Reporting¹

1. Purpose

This Customer Notice briefly summarizes the registration and reporting requirements of the EU Regulation on Wholesale Energy Markets Integrity and Transparency (“REMIT”), and also provides additional detail regarding the registration process. **The REMIT reporting obligation enters into force on October 7, 2015 for certain exchange-traded wholesale energy products, and on April 7, 2016 for certain over-the-counter wholesale energy products.** Customers of FIA member firms are encouraged to review the relevant provisions of REMIT, the REMIT implementing legislation and related guidance, and, where appropriate, take the necessary steps to comply with any applicable REMIT obligations prior to the relevant deadline.

2. REMIT Registration and Reporting

A central feature of REMIT is the requirement for certain participants in the European wholesale energy markets to register with the national energy regulator in a given EU Member State. Registration is closely connected to the related requirement to report certain wholesale energy market transactions, including orders to trade, to the European Agency for the Cooperation of Energy Regulators (“ACER”).

ACER has issued guidance intended to clarify the scope of the REMIT registration requirement described in general terms below.² ACER’s guidance may be updated from time to time. Recipients of this Customer Notice should therefore consult the most up-to-date version of ACER’s guidance when determining whether REMIT registration applies.

2.1 Registration Requirement

REMIT registration requirements generally apply to market participants that enter into European wholesale energy transactions, including orders to trade, that are required to be reported to ACER. A “market participant” is any person entering into transactions, including placing orders to trade, in one or more wholesale energy markets. A “wholesale energy market” is any market in the European Union on which “wholesale energy products” are traded; a “wholesale energy product” includes all contracts for the

¹ DISCLAIMER: This Customer Notice is provided for informational purposes only and does not constitute legal advice or a full description of the applicable legal or regulatory requirements under REMIT, the REMIT implementing legislation, or related guidance. Accordingly, recipients should make their own decision regarding the applicability of REMIT reporting and registration requirements based on their own independent advice from their professional advisors. Although care has been taken to assure that the contents of this Customer Notice are accurate as of the date of issue, FIA specifically disclaims any legal responsibility for any errors or omissions and disclaims any liability for losses or damages incurred through the use of the information herein. FIA undertakes no obligation to update the contents of this Customer Notice following the date of issue.

² See, e.g., Annex III to the REMIT Trade User Reporting Manual (“TRUM”), available at: <https://www.acer-remit.eu/portal/public-documentation>. Section 4 of this Customer Notice provides links to additional sources of information that may be relevant when determining whether REMIT registration applies.

supply of electricity or natural gas for delivery in the EU, or for the transportation of the same, including any derivatives thereon.

ACER has issued guidance clarifying that registration also applies to non-European market participants, which would include persons located in the United States, that enter into wholesale energy market transactions, including placing orders to trade, that are required to be reported under REMIT. ACER has also confirmed that this requirement applies to all legal entities within a group structure that enter into transactions required to be reported under REMIT.

2.2 Reporting Requirement

REMIT requires that market participants provide ACER with a report of their wholesale energy market transactions, including orders to trade. Where wholesale energy market transactions are executed on an organized market place (“OMP”), these transactions, including matched and unmatched orders, must be reported either through the relevant OMP or using another trade matching or trade reporting system. OMPs are required to offer affected market participants a data reporting agreement to facilitate this reporting requirement.

Reports of transactions and orders on an OMP generally must be submitted as soon as possible but no later than the working day following the date of the transaction or order. Any subsequent modifications or terminations of the trade or order must similarly be reported as soon as possible but no later than the next working day. REMIT also establishes a “backloading” obligation for wholesale energy product transactions executed prior to the effective date of the reporting obligation; details of these transactions must be submitted within 90 days after the applicable date of the reporting obligation for the contracts concerned.

Where a transaction must be reported under REMIT, and the details of the transaction have been reported to a trade repository under the EU’s European Market Infrastructure Directive (“EMIR”), the REMIT reporting obligation will be deemed to have been satisfied.³ According to ACER, discharging the reporting obligation in this way will not, however, relieve a market participant of the requirement to register under REMIT.

Generally, the reporting obligation enters into force on October 7, 2015 for reportable wholesale energy products executed on OMPs, and on April 7, 2016 for reportable wholesale energy products executed over-the-counter.⁴

3. **Registration**

3.1 Identifying the Appropriate National Regulatory Authority

Market participants that are required to register under REMIT must submit their registration information to the national regulatory authority (“NRA”) in the EU Member State in which they are established. Non-European market participants are required to register with the NRA in the EU Member State in which they are active. Non-European market participants need only register with one NRA, even where they are active in several EU Member States.

³ There is similar satisfaction of REMIT’s reporting requirement where details of a REMIT-covered transaction are reported pursuant to the EU’s Markets in Financial Instruments Regulation.

⁴ According to the REMIT Implementing Regulation, the reporting obligation for on-exchange (*i.e.*, executed on an OMP) wholesale energy products relating to the transportation of energy or gas in the European Union enters into force on April 7, 2016.

There are multiple NRAs in the EU, and market participants that are required to register under REMIT should select and submit registration information to the relevant NRA based on their own assessment of their business and trading activities.

3.2 Registration Process

Market participants must register under REMIT using the Central European Registry of Energy Market Participants (“**CEREMP**”) via the homepage established for the relevant NRA.

As an illustration, the NRA in Great Britain is the Office of Gas and Electricity Markets (“**Ofgem**”). Set out below is a brief, high-level summary of the REMIT registration process in Great Britain based on Ofgem’s REMIT Registration User Guide. Market participants considering registration in Great Britain are encouraged to consult the User Guide, which contains detailed instructions covering many aspects of the REMIT registration process with Ofgem.

Step 1: Create a CEREMP User Account

A CEREMP user account is required to register one or more market participants with Ofgem. An applicant can open the CEREMP website for Great Britain (link below), click on “Register New User,” and input the requested information. Once submitted, Ofgem will verify the details provided and will send an activation email with the new CEREMP username, including a link that must be clicked to activate the new account.

Link: https://www.acer-remit.eu/ceremp/home?nraShortName=27&lang=en_UK

Step 2: Establish Password for CEREMP User Account

After clicking the link in the activation email referred to in Step 1, the new user will be asked to establish a password. Once the password is inputted, the user can click “Save,” which will open the CEREMP log-in page.

Step 3: Log In to CEREMP

A registered user can open the CEREMP website for Great Britain (see Step 1 for link) and click on “login” in the upper-right hand corner. After inputting the username and password, the CEREMP system will send a single-use code to the email address associated with the username, which must be inputted in order to access CEREMP.

Step 4: Register New Market Participant

To register a market participant, a registered user can log in as described in Step 3 above, and can click “Register New MP” in the bottom-left corner of the screen. The registration process involves providing information in the following five sections. Once each section is completed, a user can click “Next” in the bottom-right corner of the screen to move to the next section. Applications may be saved in draft form prior to submission.

- Section 1 – Market Participant Information. This section requires the provision of identifying information relating to the market participant being registered.
- Section 2 – Related Person Information. This section requires an applicant to provide contact information for the person responsible for the REMIT trading

decisions of the market participant (not individual traders) as well as for the person responsible for the market participant's operational decisions. The applicant must also identify an individual to receive REMIT-related communications.

- Section 3 – Ultimate Controller Information. This section requires an applicant to identify each of its “ultimate controllers,” which is defined as any legal or natural person that exercises a significant influence over the management of the applicant, either through a controlling interest or voting interest in the applicant or its parent entity.
- Section 4 – Corporate Relationship Information. Where an applicant controls, is controlled by, or is under common control with, another registered market participant, this information must be included in this section of the application. Where an applicant identifies another market participant as a related entity, a request will be sent to that market participant to confirm the relationship. Email notifications of corporate relationships will be sent to the relevant market participants, their contacts nominated in Section 2, and their NRA(s).
- Section 5 – Reporting Information. An applicant is required to disclose how it intends to submit transaction reporting data to ACER, *e.g.*, through an OMP for on-exchange wholesale energy products, by clicking on “Add Delegated” at the bottom-right hand corner of the screen.

(Note: A single registered user account can register multiple market participants with Ofgem.)

Step 5: Review and Submit

Once the relevant registration information has been inputted, the user will be presented with a summary page containing all the information provided. The user must then check the box stating that the information provided is true and accurate, and can then click “Submit” in the bottom-right corner of the page.

Step 6: Receive Confirmation Email and ACER Code

Once an application has been submitted, Ofgem will review the details and forward the information to ACER to be added to the European Register of Market Participants. The user submitting the application will receive an email confirming registration. This email will also include the registrant's unique “ACER Code,” which will be used for REMIT transaction reporting purposes.

(Note: An applicant may also be requested to provide additional information before the registration is approved.)

Step 7: Link Other User Accounts to Registration Account

A market participant can link more than one user account to its registration account. The user account originally used to register the market participant will be automatically linked to the participant's registration account. Additional users, once logged in to CEREMP, can click on “Association – New MP Association” in the upper right-hand corner of the screen, which will send a request for association to all other users associated with the market participant. If the request is approved by one of the

recipient users, the requester will be associated with the registration account of the market participant in question.

Step 8: Updates/Amendments to Registration Account

To update or amend any of the registration information associated with a market participant, a user can log in to CEREMP, select the relevant market participant from the list presented, and then click “MP – Registration Format” in the upper-left corner of the screen, and choose which section of the registration form to be updated or amended.

3.3 Deadline

The registration process must be completed prior to the effective date of the REMIT reporting obligation applicable to the registrant. As noted in Section 2.2 of this Customer Notice, the deadline is October 7, 2015 for market participants entering into most reportable wholesale energy products on an OMP and April 7, 2016 for market participants entering into reportable wholesale energy products executed over-the-counter.⁵ Market participants required to register under REMIT should undertake their own analysis of when the reporting obligation will apply to them.

Failure to register by the applicable deadline could lead to an enforcement action by the relevant NRA.

4. Further Information

Set out below are links to certain publicly-available resources that provide additional details regarding the REMIT registration and reporting requirements summarized in this Customer Notice.

4.1 Selected ACER Resources

- ACER REMIT Portal⁶
- European Register of Market Participants⁷
- ACER Guidance, 3rd Edition⁸
- REMIT Transaction Reporting User Manual (“TRUM”)⁹
- ACER Questions and Answers on REMIT (9th Edition)¹⁰

⁵ The reporting obligation applicable to OMP-traded derivatives relating to the transportation of energy or gas in the EU enters into force on April 7, 2016. See footnote 4, *supra*.

⁶ <https://www.acer-remit.eu/portal/home>.

⁷ <https://www.acer-remit.eu/portal/european-register>.

⁸ http://www.acer.europa.eu/remit/Pages/ACER_guidance.aspx.

⁹ <https://www.acer-remit.eu/portal/public-documentation>.

¹⁰ <https://www.acer-remit.eu/portal/public-documentation>.

4.2 Selected Ofgem Resources

- Ofgem REMIT Portal¹¹
- Ofgem REMIT User Guide¹²
- Ofgem REMIT Frequently Asked Questions¹³

4.3 Text of REMIT and REMIT Implementing Regulation

- Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency¹⁴
- Commission Implementing Regulation (EU) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8(2) and Article 8(6) of REMIT¹⁵

¹¹ <https://www.ofgem.gov.uk/gas/wholesale-market/european-market/remit>.

¹² <https://www.ofgem.gov.uk/ofgem-publications/91713/remitregistrationuserguidemarch2015-pdf>.

¹³ <https://www.ofgem.gov.uk/ofgem-publications/91624/remitregistrationfaqsdecember20142-pdf>.

¹⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R1227&from=EN>.

¹⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014R1348&from=EN>.