

DG Energy, Unit B2 – Wholesale markets; electricity & gas
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10 August 2020

LEBA Response to EU Commission Decision setting the fees due to ACER for tasks under REMIT

LEBA welcomes the opportunity to respond to EU Commission DG Energy in relation to the effective operation of ACER.

Questions for consultation on Principles for REMIT fee setting:

4.1 General principles & 4.2. How to define the overall amount to be covered by REMIT fees each year?

Do you agree with the methodology proposed for defining the overall amount to be covered by REMIT fees each year? If not, what alternative methodology would you propose? Please provide explanations.

Yes, LEBA agrees with the methodology proposed which is simple, straightforward and built on sensible core principles that are legally established in Article 32 of the ACER Regulation.

4.3. Who should pay REMIT fees?

Do you agree that reporting parties registered with ACER should be charged with paying the fees? If not, from whom and how should the fees be collected?

Yes, LEBA agrees with the construction such that that reporting parties registered with ACER should be charged with paying the fees. This achieves the balance of simplicity with universality. It is clear that given the quantum under consideration, so the collecting mechanism needs to be as simple and straightforward as possible.

We note that the level 1 legal construct, which is the text that this addition needs to reference¹, cites the term “Reporting parties” to mean what the market commonly

¹ **Article 11**; *Technical and organisational requirements and responsibility for reporting data*

1. In order to ensure efficient, effective and safe exchange and handling of information, the Agency shall, after consulting relevant parties, develop technical and organisational requirements for submitting data. The Agency shall consult relevant parties on material updates of these requirements.

The requirements shall:

- (a) ensure the security, confidentiality and completeness of information,
- (b) enable the identification and correction of errors in data reports,
- (c) enable the authentication of the source of information,
- (d) ensure business continuity.

understands to be Registered Reporting Mechanisms ["RRMs"]². It would be helpful if the Commission could clarify that the population of Reporting parties is exactly the same as the population of 120 such RRM as listed on the ACER Remit Portal.

4.4. How should REMIT fees be calculated?

Do you agree that these are the key considerations for defining the methodology for calculating REMIT fees? Are there additional elements? How should the different cost drivers be weighted in the methodology? Do you have preferences or specific proposals as regards the methodology? Please provide explanations.

Yes, LEBA agrees that given the spread of firms and specialist entities within the population of RRM, that the optimal solution for the REMIT fee structure would be a mixed fee structure encompassing a fixed and a variable component that takes into consideration the main cost drivers for the relevant activities.

4.5. When and how should the REMIT fees be paid?

Do you agree with the proposed way when and how REMIT fees should be charged? If not, what process would you propose? Please provide explanations.

Yes, LEBA agrees with the proposed payment timings.

The Agency shall assess whether reporting parties comply with the requirements. Reporting parties who comply with the requirements shall be registered by the Agency. For entities listed under Article 6(4) the requirements listed in the second subparagraph shall be considered as fulfilled.

2. Persons required to report data referred to in Articles 6, 8 and 9 shall have responsibility for the completeness, accuracy and timely submission of data to the Agency and, where required so, to national regulatory authorities. Where a person referred to in the first subparagraph reports those data through a third party the person shall not be responsible for failures in the completeness, accuracy or timely submission of the data which are attributable to the third party. In those cases the third party shall be responsible for those failures, without prejudice to Articles 4 and 18 of Regulation (EC) No 543/2013 on submission of data in electricity markets. Persons referred to in the first subparagraph shall nevertheless take reasonable steps to verify the completeness, accuracy and timeliness of the data which they submit through third parties.

² <https://www.acer-remit.eu/portal/list-of-rrm>; On 18 November 2019, the Agency suspended the processing of pending applications for the registration of REMIT reporting parties due to its current shortage of resources. Any entity wanting to report transactions to the Agency can choose among the 120 existing RRM, including third-party RRM providing reporting services to market participants, to report on their behalf. The list of RRM can be found below.