

# Frequently asked questions (FAQ) by Market Participants in CPs

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**Last update: 10.12.2024**

**Q1: Does the obligation to register also applies to the affiliated parties?**

A1: The obligation to register applies to every natural or legal person, or entrepreneur, as well as transmission and distribution system operator, who is active in the wholesale energy market in dealing with wholesale energy products (that is, but not limited to; buying or selling electricity and/or gas, capacity for production, transportation and/or storage of electricity and/or gas, or their derivatives, in one of the CPs), including their affiliated parties which are participating in the wholesale energy market of CPs.

**Q2: Do we have to register if our founder is already registered in the EU MS?**

A2: If you are an active market participant in the wholesale energy market of CP, you are obliged to register with the NRA of that CP, even if your founder is already registered in the EU MS.

**Q3: If a market participant is active in wholesale energy markets of more than one CP and is already registered with NRA in one CP, should that market participant register in every CP and get a different ECRB code in every CP where he is active?**

A3: Market participants acting in wholesale energy markets of CPs are required to register in all CPs that they act and NRA in every CP will assign a specific ECRB code to the market participant.

**Q4: Is there a registration fee?**

A4: There is no registration fee. The registration obligation can be fulfilled by submitting a completed and signed registration form, which is harmonized across CPs, to the NRA in the CP where the market participant is active in the wholesale energy market.

**Q5: What does the abbreviation “L.S” on the first page of the Registration Form published on the web pages of NRAs in Bosnia and Herzegovina and Montenegro mean?**

A5: Abbreviation “L.S” means “Locus Sigilli” (Latin) translated as “the place of the seal”, where the company seal should be placed. If the company doesn’t use the seal, then it’s not obliged to insert it. An electronic signature is acceptable, too.

**Q6: Can a market participant change the data from the submitted Registration Form?**

A6: The Market Participant may change any data from the Register of Wholesale Electricity and Gas Market Participants submitted in the Registration Form. The market participant is obliged to promptly communicate to NRA any change which has taken place as regards the information provided in the Registration Form.

**Q7: What are LEI and BIC codes?**

A7: The Legal Entity Identifier (LEI) is a 20-character, alpha-numeric code, to uniquely identify legally distinct entities that engage in financial transactions. LEIs are issued by "Local Operating Units" (LOUs) of the Global LEI System. BIC means Bank Identification Code or Bank Identifier Code. It is an 8 to 11-character code that is used to identify a specific bank when you make an international transaction.

**Q8: Are Distribution System Operators obliged to register as market participants?**

A8: Yes, the obligation to register applies to DSOs, like TSOs, as market participants who buy electricity/natural gas to cover losses in the system.

**Q9: Are privileged producers, who are in the regime of feed-in tariffs, obliged to register?**

A9: No, since they are granted a predefined guaranteed price and they are not participating in the wholesale market like other producers.

In case the privileged producer enters the wholesale market, it is obliged to apply REMIT like other producers in all CPs except in Bosnia and Herzegovina and North Macedonia, where virtual producers who aggregate the capacities of heterogeneous distributed energy resources are obliged to register.

**Q10: Is a market participant from one CP who sells electricity to a market participant from another CP obliged to register with NRA in both CPs?**

A10: Market participants entering into transactions or expressing interest to enter into such transactions through orders to trade shall register with the NRA in the CP where the delivery of the wholesale energy products takes or will take place.

**Q11: How cooperation between NRAs linked with Article 16 of the Energy Community REMIT works?**

A11: Article 16 of the Energy Community REMIT requires that ECRB facilitates the cooperation and coordination of CPs' NRAs in discharging their obligations under REMIT. According to the same Article, NRAs are obliged to cooperate with each other and at the regional level.

In light of such obligation, ECRB adopted the ECRB REMIT Procedural Act No 01/2020 (ECRB REMIT PA)<sup>1</sup>, setting the basis for cooperation and coordination of NRAs.

Cooperation of NRAs - Article 3, ECRB REMIT PA

Through ECRB, NRAs agreed in unifying the formats which:

- NRAs use for reporting potential breaches of REMIT to ECRB, when such breaches are being, or have been carried out in their Contracting Party or in another Contracting Party, and/or require cooperation of NRAs due to cross-border impact,
- Market participants and other stakeholders, including NRAs, use for reporting potential breaches of REMIT to NRAs and ECRB. NRAs may use the same forms to notify potential breaches to the Energy Community Secretariat,
- Persons Professionally Arranging Transactions (PPAT) use for fulfilling their obligation under Article 15 of REMIT,
- Market participants use for reporting the use of exemption related to insider trading,
- Market participants use for reporting the delay of publication of inside information,
- Market participants use for registering with NRAs,
- NRAs use for publishing the national registry of market participants and generate the ECRB code.

NRAs reporting cases to ECRB - Article 4 and 7, ECRB REMIT PA

Article 4 and 5 of the ECRB REMIT PA outline how NRAs cooperate within ECRB regarding potential REMIT breaches in Contracting Parties. Specifically, Template 1 is used by individual NRAs in the following cases:

1. Potential breach of Article 3 and 5 of REMIT is taking place in its jurisdiction and is having or likely to have cross-border impact, identifying other jurisdictions (Contracting Parties and/or Member States) impacted, providing such and other details required in Template 1.
2. Potential breach of Article 3 and 5 of REMIT is taking place in another jurisdiction (Contracting Parties and/or Member States) and is having or likely to have cross-border impact in its jurisdiction and/or other jurisdictions (Contracting Parties and/or Member States), providing such and other details required in Template 1.

The NRA submitting the Template 1 should ensure that sufficient information is outlined to facilitate the work of the ECRB REMIT WG. Additionally, NRAs involved or impacted by the case should inform ECRB REMIT WG if a formal investigation is ongoing or being launched, including an expected timeline for its conclusion.

Article 7 of the ECRB REMIT PA sets the Template 3 for reporting EnC REMIT breaches to NRAs and ECRB. This Guidance clarifies that Template 3 shall be used for fulfilling obligation under Article 16.2 of EnC REMIT in particular for market abuse cases where cross-border impact is not identified, as well as for cases which are not related to insider trading and market manipulation. NRAs may use the same forms to notify potential breaches to the Energy Community Secretariat as required by Article 16.2 of the EnC REMIT.

ECRB REMIT WG actions - Article 4.4, ECRB REMIT PA

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<sup>1</sup> [ECRB REMIT Procedural Act](#)

After assessing a report submitted via Template 1, the ECRB REMIT WG will decide on the following actions:

- a. Not to take further action, based on the lack of evidence on the suspected breach – attributed to submissions (Template 1) which lack key information about the category of breach, cross-border impact, market participants and/or the NRA has informed that a formal investigation has been already initiated, etc.
- b. To request the involved regulators to provide additional information on the suspected breach. The request should be sufficiently detailed and linked to the suspected breach – attributed to submissions (Template 1) which are complete, but ECRB REMIT WG considered that additional information would facilitate further steps.
- c. To propose to the ECRB President that s/he requests the involved regulators to commence investigation – attributed to cases where there are reasonable grounds to suspect that acts of market abuse are being undertaken in the market. Therefore, ECRB President, based on the proposal by the ECRB REMIT WG, requests the involved NRAs to commence investigation; or
- d. To propose to the ECRB President to establish an investigatory group within the ECRB REMIT WG in line with Article 16(4) litera (c) REMIT Regulation consisting of representatives of involved regulators – attributed to cases where coordination between the NRAs undertaking or launching investigations is required.

#### Role of the Investigatory Group (IG) - Article 5, ECRB REMIT PA

The purpose of the IG is to coordinate the work of NRAs whose jurisdictions are impacted by potential abusive behavior in the energy market. When such behavior has or is likely to have a cross-border impact the cooperation of the relevant NRAs becomes essential and can expedite the conclusion of the case through NRA decision within their respective jurisdictions.

The work of the IG is facilitated by the ECRB Unit of the Energy Community Secretariat and involves:

- Assessing data and information on suspected breaches and requesting additional details if necessary, including also from the NRAs that are not part of the IG.
- Inviting other NRAs, EU NRAs and/or the Agency for the Cooperation of Energy Regulators (ACER) to be part of the IG, if needed.
- In case of disagreement within the IG, ECRB Unit will request the ECRB REMIT WG to agree on the next steps.
- Reporting within six weeks and recommending next steps to ECRB, including requesting additional time if need to complete its recommendation.

Following the investigatory group's recommendation, the ECRB REMIT WG must agree on the next steps within one month and recommend appropriate actions to ECRB.

# REMIT Query Form

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- ☞ If you have an EnC REMIT-related question, and if you cannot find an answer in the *ECRB Guidance on REMIT Regulation as adopted by the Energy Community Ministerial Council* (Q&As and FAQs on EnC REMIT), please use the following **REMIT Query Form**. You can copy and paste the table below into your email or send it as an attachment.
- ☞ Please make sure that the information provided below is in an anonymized form. We will not be able to publish an answer to your question if the name of the sender or their organization is disclosed.

<b>Reference to documents if available</b>
[please type here the article the issue is related to]
<b>Description of the issue</b>
[please type here a detailed description of the issue]
<b>Practical example</b>
[please type here a detailed description of a practical example you are referring to]
<b>Please provide your interpretation</b>
[please type here your interpretation and whether is possible the interpretation of your legal adviser]
<b>Please send your REMIT Query Form to the following e-mail address:</b>
<a href="mailto:remit@energy-community.org">remit@energy-community.org</a>