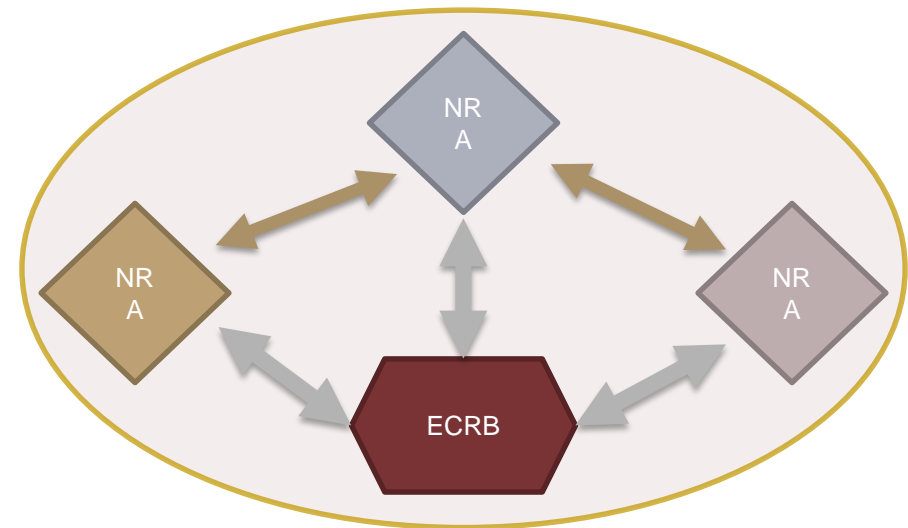


What is needed? [*REMIT Regulation* / *ECRB work program*]

1. Propose a unique **template for the registration** of Market Participant aimed at collecting all necessary information to establish a Centralized Register of the CPs.
2. ECRB **procedures and templates to be used for reporting suspicious behaviour or breaches** to NRAs and reporting of NRAs to ECRB, including potential other means for ECRB to identify breaches of the REMIT Regulation (**notification platform**)
3. **Procedures for ECRB investigations according to Article 16(4)** REMIT Regulation, including communication channels and templates



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Template for the registration of MP: *REMIT Article 9*



Template for the registration of MP: necessary information

<u>General Info</u>	<u>Company Registration Info</u>	<u>Company ownership Info</u>	<u>Inside Information Disclosure</u>	<u>Contacts for registration issues</u>	<u>Contacts for legal issues</u>	<u>Contacts for commercial issues</u>	<u>Contacts for other issues</u>
Registration Authority	Company Legal Name	Legal Person type		Name of reference person for registration issues	Name of reference person for legal issues	Name of reference person for commercial issues	Name of reference person for general issues
Country	Company Address (Headquarter)	Director/Owner Name		Surname of reference person for registration issues	Surname of reference person for legal issues	Surname of reference person for commercial issues	Surname of reference person for general issues
Date of Submission	Company City	Director/Owner Surname		Email of reference person for registration issues	Email of reference person for legal issues	Email of reference person for commercial issues	Email of reference person for general issues
	Company ZIP Code	Director/Owner E-mail		Phone Number of reference person for registration issues	Phone Number of reference person for legal issues	Phone Number of reference person for commercial issues	Phone Number of reference person for general issues
	Company Country	Confirm the E-mail					
	Company VAT Number	Director/Owner Telephone					
	Company Website						
	Are you a company employee?						

Proposal

User Form	
Registration Authority	
Country	
Date of Submission	
Company Registration Info	
Company Legal Name	
Company Address (Headquarter)	
Company City	
Company ZIP Code	
Company Country	
Company VAT Number	
Company Website	
Are you a company employee?	
Company ownership Info	
Legal Person type	
Director/Owner Name	
Director/Owner Surname	
Director/Owner E-mail	
Confirm the E-mail	
Director/Owner Telephone	
Inside Information Disclosure	
Webpage where inside information are disclosed: 1	
Webpage where inside information are disclosed: 2 (if any)	
Webpage where inside information are disclosed: 3 (if any)	
Contacts of Reference Person for registration issues	
Name of reference person for registration issues	
Surname of reference person for registration issues	
Email of reference person for registration issues	
Phone Number of reference person for registration issues	
Contacts of Reference Person for legal issues	
Name of reference person for legal issues	
Surname of reference person for legal issues	
Email of reference person for legal issues	
Phone Number of reference person for legal issues	

? National adjustments needed

2 What is needed? [*REMIT Regulation* | *ECRB work program*]

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a) Notify transactions to cover the immediate physical loss (Article 3(4)(b) of REMIT).

Art. 3 of REMIT (Prohibition of Insider trading) is not applied to transactions entered into by electricity and natural gas producers, operators of natural gas storage facilities or operators of LNG import facilities the sole purpose of which is **to cover the immediate physical loss resulting from unplanned outages**, where not to do so would result in the market participant not being able to meet existing contractual obligations or where such action is undertaken in agreement with the transmission system operator(s) concerned in order to ensure safe and secure operation of the system.

In such a situation, the relevant information relating to the transactions shall be reported to the national regulatory authority.

This reporting obligation is without prejudice to the obligation set out in Article 4(1);

Details of the notifying party	
Name of the market participant	
Contact person	
Surname, forename	
E-Mail	
Retype E-mail	
Address	
Phone/Fax	
Type of Market Participant entering into transaction	
<i>Chose between one of the following:</i>	
Electricity Producer	
Natural Gas Producer	
Operator of natural gas storage facility	
Operator of LNG import facility	
Other	
Competent Authority	
Type here...	
If necessary, provide other information for the National Regulatory Authority	
Identification of the inside information concerned	
Name of the facility	
Installed capacity of the facility	
Unavailable capacity	
Dates of the unplanned outage	
Other details	
Identification of the transaction concerned	
Contract ID	
Transaction ID	
Other Details	
The information reported in the section "Other details" shall include the precise identification of the wholesale energy products bought and sold, the price and quantity agreed, the dates and times of execution, the parties to the transaction and the beneficiaries of the transaction and any other relevant information.	

b) Notify exceptional delay in the public disclosure of inside information (Article 4(2) REMIT)

A market participant may under its own responsibility exceptionally delay the public disclosure of inside information so as not to prejudice its legitimate interests provided that **such omission is not likely to mislead the public and provided that the market participant is able to ensure the confidentiality of that information and does not make decisions relating to trading in wholesale energy products based upon that information.**

In such a situation the market participant shall without delay provide that information, together with a justification for the delay of the public disclosure, to the relevant national regulatory authority.

Details of the notifying party	
Name of the market participant*	
Contact person	
Surname, forename *	
E-Mail *	
Retype E-mail *	
Address *	
Phone/Fax *	
Competent Authority	
Type here...*	
If necessary, provide other information for the National Regulatory Authority	
Identification of the inside information concerned	
Installed capacity of the facility	
Unavailable capacity	
Identification of the inside information*	
Date and time of the event concerned	
Other details/Related transactions	
Publication	
Justification for delayed publication*	
When and where the inside information will be published	
Time of public disclosure	
Place/Address	
Additional information	

c)...and possible Subcategories

Sub-category Insider Trading	Sub-category Market Manipulation	Sub-category Disclosure of inside information obligation	Sub-category Registration obligation	Sub Category PPAT Obligation
1. Using inside information to trade/try to trade	1. False/misleading transactions	1. Obligation to disclose in an effective and timely manner	1. Failure to update the registration	1. Notification obligation
1.1. Front running	1.1. Wash trades	1.1. Inside information not published	2. Failure to register	1.1. Potential Article 3 breach not notified
1.2. Other	1.1.1.Wash trades A to A	1.2. Inside information not published properly	3. Registration with the wrong regulatory authority	1.2. Potential Article 4 breach not notified
2. Disclosing inside information to third parties	1.1.2.Wash trades A to B to A	1.3. Other	4. Art.9 -> Other	2. Effective arrangements
3. Recommending third parties to trade based on inside information	1.2. Improper matched orders	2. Reporting of delay to publish inside information		3. Art.15 -> Other
	1.3. Placing orders with no intention to execute them	2.1. Delay not reported to Energy Community and the NRA		
	1.3.1.Layering	2.2. Delay improperly reported		
	1.3.2.Quote stuffing	2.3. Other		
	1.3.3.Other orders placed with no intention to execute them			
	2. Price positioning			
	2.1. Ramping/Painting the tape			
	2.2. Marking the reference period			
	2.2.1.Marking the close			
	2.2.2.Marking other relevant reference periods			
	2.3. Market cornering			
	2.4. Cross-market manipulation			
	2.5. Capacity withholding			
	2.5.1.Economic withholding			
	2.5.2.Physical withholding			
	3. Transactions involving fictitious devices/deception			
	3.1. Scalping			
	3.2. Pump and dump			
	3.3. Circular trading			
	3.4. Pre-arranged trading			
	4. Dissemination of false/misleading information			
	4.1. Spreading false/misleading information through the media			
	4.2. Other behaviour designed to spread false/misleading information			

d) Additional information required

- PPATs
- NRAs Art 16(2)
- Other

<i>Please Specify also:</i>	
Member State affected	
Responsible NRA*	
Commodity.* Select one of the list.	

<i>Notifying PersonContacts</i>	
Name of the person submitting the notification*	
Job title	
Organisation of the person submitting the notification*	
Business Address*	
Business Phone*	
Business E-mail*	

<i>Parties involved in the potential breach</i>	
Name of the legal/natural person(s) involved in the potential breach	
Code of the legal/natural person(s) involved in the potential breach (Insert the unique identification code.)	
Name of any other legal/natural person(s) associated to the potential breach	
Other details of the legal/natural person(s) involved in the potential breach	

<i>Description of the potential Breach</i>	
Number of product(s) involved*	
Reasons for suspecting that the events may constitute a REMIT breach*	

By sending this report the selected authority or authorities and Energy Community will be informed about this notification and the provided information in a secure and confidential manner.

e) Additional information required

- NRAs Art 16(3)

<i>Please specify if there is any potential MAR breaches:</i>	
Insider dealing (Art.14)	
Market Manipulation (Art.15)	
No	
Not applicable	
Not identified yet	

<i>Please Specify also:</i>	
Member State affected	
Responsible NRA*	
Commodity.* Select one of the list.	

<i>Notifying Person Contacts</i>	
Name of the person submitting the notification*	
Job title	
Organisation of the person submitting the notification*	
Business Address*	
Business Phone*	
Business E-mail*	

<i>Parties involved in the potential breach</i>	
Name of the legal/natural person(s) involved in the potential breach	
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Number of product(s) involved*	
Reasons for suspecting that the events may constitute a REMIT breach*	

By sending this report the selected authority or authorities and Energy Community will be informed about this notification and the provided information in a secure and confidential manner.

Questions

1. Comments on the proposal?

- Forms can be simplified for the start / industry needs gradual education. Notification can include 'free text email/narrative on the potential breach/suspicion'

2. National notification platform or regional notification platform on EnC website?

- Subject to financing agreement by ECS Director!
- For national, it can be as simple as a link to send an email to NRA REMIT team

3. In case of a regional notification platform on EnC website:

- Transfer of notifications by ECS to NRAs
 - Confidentiality requirements needed? E.g. signature of confidentiality agreements?
 - Nomination of 1 central recipient per CP NRA?

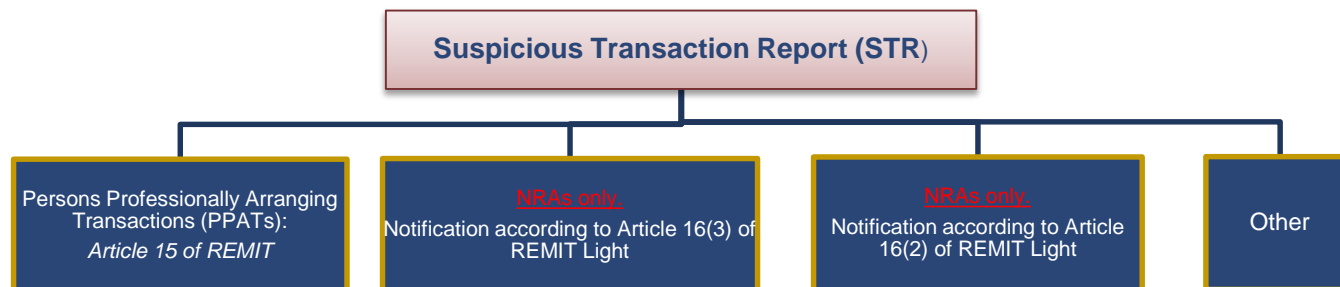
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Article 16 of REMIT : *Cooperation at Energy Community and national level*

16(4) [...]where [...]the Energy Community Regulatory Board suspects that there has been a breach of this Regulation, it shall be entitled:

- (a) to request one or more national regulatory authorities to **supply any information** related to the suspected breach;
 - (b) to request one or more national regulatory authorities to **commence an investigation of the suspected breach**, and to take appropriate action to remedy any breach found. Any decision as regards the appropriate action to be taken to remedy any breach found shall be the responsibility of the national regulatory authority concerned;
 - (c) where it considers that the possible breach has, or has had, a cross-border impact, to **establish and coordinate an investigatory group** consisting of representatives of concerned national regulatory authorities to investigate whether this Regulation has been breached and in which Contracting Party the breach took place. Where appropriate, the Energy Community Regulatory Board may also seek the participation of representatives of the Agency or other relevant authority of one or more Contracting Party and/or Member States in the investigatory group.
5. National regulatory authority receiving a request for information under point (a) of paragraph 4, or receiving a request to commence an investigation of a suspected breach under point (b) of paragraph 4, shall immediately take the necessary measures in order to comply with that request. If that national regulatory authority is not able to supply the required information immediately, it shall without further delay notify the Energy Community Regulatory Board of the reasons.



Possible categories of REMIT breach:

1. Insider Trading (Art. 3)
2. Market Manipulation (Art. 5)
3. Disclosure of inside information obligation (Art. 4)
4. Registration obligation (Art. 9)
5. PPAT Obligation (Art.15)

Questions

1. Definition of ECRB procedures

- Article 16(4) lit (a) and (b): request of the ECRB REMIT WG to the relevant CP NRA directly based on a WG decision?
- Article 16(4) lit (c): proposal of the ECRB REMIT WG to ECRB Board for approval establish and coordinate an investigation
 - Members of the investigation coordination group: who are the „concerned CPs“? = bi-/multi-lateral or all members of the ECRB REMIT WG?
- Result of the group coordinating the investigation: for ECRB Board approval?

2. Confidentiality requirements?

4 Others

Article 16(1)

- *National regulatory authorities <...> and the national competition authority in a Contracting Party may establish appropriate forms of cooperation in order to ensure effective and efficient investigation and enforcement and to contribute to a coherent and consistent approach to investigation, judicial proceedings and to the enforcement of this Regulation and relevant financial and competition law.*
- **Template cooperation agreements needed ?**

**THANK YOU
FOR YOUR ATTENTION**