

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 (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down rules for the provision of data to the Agency implementing Article 8(2) and (6) of Regulation (EU) No 1227/2011. It defines the details of reportable wholesale energy products and fundamental data. It also establishes appropriate channels for data reporting including defining timing and regularity of data reports.

Article 2

Definitions

For the purpose of this Regulation, the definitions in Article 2 of Regulation (EU) No 1227/2011 and in Article 3 of Commission Regulation (EU) No 984/2013⁽¹⁾ shall apply.

In addition, the following definitions shall apply:

- (1) ‘fundamental data’ means information related to the capacity and use of facilities for production, storage, consumption or transmission of electricity and natural gas or related to the capacity and use of LNG facilities, including planned or unplanned unavailability of these facilities;
- (2) ‘standard contract’ means a contract concerning a wholesale energy product admitted to trading at an organised market place, irrespective of whether or not the transaction actually takes place on that market place;
- (3) ‘non-standard contract’ means a contract concerning any wholesale energy product that is not a standard contract;
- (4) ‘organised market place’ or ‘organised market’ means:
 - (a) a multilateral system, which brings together or facilitates the bringing together of multiple third party buying and selling interests in wholesale energy products in a way that results in a contract,
 - (b) any other system or facility in which multiple third-party buying and selling interests in wholesale energy products are able to interact in a way that results in a contract.

These include electricity and gas exchanges, brokers and other persons professionally arranging transactions, and trading venues as defined in Article 4 of Directive 2014/65/EU of the European Parliament and of the Council⁽²⁾.

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- (5) ‘group’ shall have the same meaning as in Article 2 of Directive 2013/34/EU of the European Parliament and of the Council⁽³⁾
- (6) ‘intragroup contract’ is a contract on wholesale energy products entered into with a counterparty which is part of the same group provided that both counterparties are included in the same consolidation on a full basis;
- (7) ‘over-the-counter’ (OTC) means any transaction carried out outside an organised market;
- (8) ‘nomination’ means,
- for electricity: the notification of the use of cross zonal capacity by a physical transmission rights holder and its counterparty to the respective transmission system operator(s)(TSOs),
 - for natural gas: the prior reporting by the network user to the TSO of the actual flow that the network user wishes to inject into or withdraw from the system;
- (9) ‘balancing energy’ means energy used by TSOs to perform balancing;
- (10) ‘balancing capacity (reserves)’ means the contracted reserve capacity;
- (11) ‘balancing services’ means,
- for electricity: either or both balancing capacity and balancing energy,
 - for natural gas: a service provided to a TSO via a contract for gas required to meet short term fluctuations in gas demand or supply;
- (12) ‘consumption unit’ means a resource which receives electricity or natural gas for its own use;
- (13) ‘production unit’ means a facility for generation of electricity made up of a single generation unit or of an aggregation of generation units;

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- (1) Commission Regulation (EU) No 984/2013 of 14 October 2013 establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems and supplementing Regulation (EC) No 715/2009 of the European Parliament and of the Council ([OJ L 273, 15.10.2013, p. 5](#)).
- (2) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU ([OJ L 173, 12.6.2014, p. 349](#)).
- (3) Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC ([OJ L 182, 29.6.2013, p. 19](#)).

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by [S.I. 2019/534 Sch. 2 para. 15](#)
- Art. 2(4) words substituted by [S.I. 2019/534 Sch. 2 para. 2\(3\)\(a\)](#)
- Art. 2(5) substituted by [S.I. 2019/534 Sch. 2 para. 2\(3\)\(b\)](#)
- Art. 2(14)-(18) inserted by [S.I. 2019/534 Sch. 2 para. 2\(3\)\(c\)](#)
- Art. 3(A1) inserted by [S.I. 2019/534 Sch. 2 para. 3\(2\)](#)
- Art. 3(A1)(b)(i) words omitted in earlier amending provision [S.I. 2019/534, Sch. 2 para. 3\(2\)](#) by [S.I. 2020/1016 reg. 7\(6\)\(a\)](#)
- Art. 3(1A) inserted by [S.I. 2019/534 Sch. 2 para. 3\(4\)](#)
- Art. 3(3) inserted by [S.I. 2019/534 Sch. 2 para. 3\(6\)](#)
- Art. 6(4)(d) omitted by [S.I. 2019/534 Sch. 2 para. 6\(3\)\(b\)](#)
- Art. 7A inserted by [S.I. 2019/534 Sch. 2 para. 8](#)
- Art. 10A inserted by [S.I. 2019/534 Sch. 2 para. 12](#)
- Art. 10A(3) words substituted in earlier amending provision [S.I. 2019/534, Sch. 2 para. 12](#) by [S.I. 2020/1016 reg. 7\(6\)\(b\)](#)