

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 II

**REPORTING OBLIGATIONS ON TRANSACTIONS**

*Article 3*

**List of reportable contracts**

- 1 The following contracts shall be reported to the Agency:
  - a As regards wholesale energy products in relation to the supply of electricity or natural gas with delivery in the Union:
    - (i) Intraday or within-day contracts for the supply of electricity or natural gas where delivery is in the Union irrespective of where and how they are traded, in particular regardless of whether they are auctioned or continuously traded,
    - (ii) Day-ahead contracts for the supply of electricity or natural gas where delivery is in the Union irrespective of where and how they are traded, in particular regardless of whether they are auctioned or continuously traded,
    - (iii) Two-days-ahead contracts for the supply of electricity or natural gas where delivery is in the Union irrespective of where and how they are traded, in particular regardless of whether they are auctioned or continuously traded,
    - (iv) Week-end contracts for the supply of electricity or natural gas where delivery is in the Union irrespective of where and how they are traded, in particular regardless of whether they are auctioned or continuously traded,
    - (v) After-day contracts for the supply of electricity or natural gas where delivery is in the Union irrespective of where and how they are traded, in particular regardless of whether they are auctioned or continuously traded,
    - (vi) Other contracts for the supply of electricity or natural gas with a delivery period longer than two days where delivery is in the Union irrespective of where and how they are traded, in particular regardless of whether they are auctioned or continuously traded,
    - (vii) Contracts for the supply of electricity or natural gas to a single consumption unit with a technical capability to consume 600 GWh/year or more,
    - (viii) Options, futures, swaps and any other derivatives of contracts relating to electricity or natural gas produced, traded or delivered in the Union.
  - b Wholesale energy products in relation to the transportation of electricity or natural gas in the Union:
    - (i) Contracts relating to the transportation of electricity or natural gas in the Union between two or more locations or bidding zones concluded as a result

of a primary explicit capacity allocation by or on behalf of the TSO, specifying physical or financial capacity rights or obligations,

- (ii) Contracts relating to the transportation of electricity or natural gas in the Union between two or more locations or bidding zones concluded between market participants on secondary markets, specifying physical or financial capacity rights or obligations, including resale and transfer of such contracts,
- (iii) Options, futures, swaps and any other derivatives of contracts relating to the transportation of electricity or natural gas in the Union.

2 In order to facilitate reporting, the Agency shall draw up and maintain a public list of standard contracts and update that list in a timely manner. In order to facilitate reporting, the Agency shall draw up and publish a list of organised market places upon entry into force of this regulation. The Agency shall update that list in a timely manner.

In order to assist the Agency to comply with its obligations under the first subparagraph, organised market places shall submit identifying reference data for each wholesale energy product they admit to trading to the Agency. The information shall be submitted before trading commences in that particular contract in a format defined by the Agency. Organised market places shall submit updates of the information as changes occur.

In order to facilitate reporting, final customers party to a contract as referred to in Article 3(1)(a)(vii) shall inform their counterparty about the technical capability of the consumption unit in question to consume 600 GWh/year or more.

#### *Article 4*

##### **List of contracts reportable at request of the Agency**

1 Unless concluded on organised market places, the following contracts and details of transactions in relation to those contracts shall be reportable only upon reasoned request of the Agency and on an ad-hoc basis:

- a Intragroup contracts,
- b Contracts for the physical delivery of electricity produced by a single production unit with a capacity equal to or less than 10 MW or by production units with a combined capacity equal to or less than 10 MW,
- c Contracts for the physical delivery of natural gas produced by a single natural gas production facility with a production capacity equal to or less than 20 MW,
- d Contracts for balancing services in electricity and natural gas.

2 Market participants only engaging in transactions in relation to the contracts referred to in points (b) and (c) of paragraph 1 shall not be required to register with the national regulatory authority pursuant to Article 9(1) of Regulation (EU) No 1227/2011.

#### *Article 5*

##### **Details of reportable contracts including orders to trade**

1 The information to be reported pursuant to Article 3 shall include:

- a in relation to standard contracts for the supply of electricity or natural gas the details set out in Table 1 of the Annex,

- b in relation to non-standard contracts for the supply of electricity or natural gas the details set out in Table 2 of the Annex,
- c in relation to standard and non-standard contracts for the transportation of electricity the details set out in Table 3 of the Annex,
- d in relation to standard and non-standard contracts for the transportation of natural gas the details set out in Table 4 of the Annex.

Details of transactions executed within the framework of non-standard contracts specifying at least an outright volume and price shall be reported using Table 1 of the Annex.

2 The Agency shall explain the details of the reportable information referred to in paragraph 1 in a user manual and after consulting relevant parties make it available to the public upon entry into force of this Regulation. The Agency shall consult relevant parties on material updates of the user manual.

#### *Article 6*

### **Reporting channels for transactions**

1 Market participants shall report details of wholesale energy products executed at organised market places including matched and unmatched orders to the Agency through the organised market place concerned, or through trade matching or trade reporting systems.

The organised market place where the wholesale energy product was executed or the order was placed shall at the request of the market participant offer a data reporting agreement.

2 TSOs or third parties acting on their behalf shall report details of contracts referred to in Article 3(1)(b)(i) including matched and unmatched orders.

3 Market participants or third parties acting on their behalf shall report details of contracts referred to in Article 3(1)(a), 3(1)(b)(ii) and 3(1)(b)(iii) which have been concluded outside an organised market.

4 Information in relation to wholesale energy products which have been reported in accordance with Article 26 of Regulation (EU) No 600/2014 of the European Parliament and of the Council<sup>(1)</sup> or Article 9 of Regulation (EU) No 648/2012 of the European Parliament and of the Council<sup>(2)</sup> shall be provided to the Agency by:

- a trade repositories referred to in Article 2 of Regulation (EU) No 648/2012,
- b approved reporting mechanisms referred to in Article 2 of Regulation (EU) No 600/2014,
- c competent authorities referred to in Article 26 of Regulation (EU) No 600/2014,
- d the European Securities and Markets Authority,

as appropriate.

5 Where persons have reported details of transactions in accordance with Article 26 of Regulation (EU) No 600/2014 or Article 9 of Regulation (EU) No 648/2012 their obligations in relation to reporting those details under Article 8(1) of Regulation (EU) No 1227/2011 shall be considered as fulfilled.

6 In line with the second subparagraph of Article 8(3) of Regulation (EU) No 1227/2011 and without prejudice to paragraph 5 of this Article organised markets, trade matching or

reporting systems shall be able to provide the information referred to in paragraph 1 of this Article directly to the Agency.

7 Where a third party reports on behalf of one or both counterparties, or where one counterparty reports the details of a contract also on behalf of the other counterparty, the report shall contain the relevant counterparty data in relation to each of the counterparties and the full set of details that would have been reported had the contracts been reported by each counterparty separately.

8 The Agency may request additional information and clarifications from market participants and reporting parties in relation to their reported data.

### *Article 7*

#### **Timing of reporting of transactions**

1 Details of standard contracts and orders to trade, including for auctions, shall be reported as soon as possible but no later than on the working day following the conclusion of the contract or placement of the order.

Any modification or the termination of the concluded contract or order to trade shall be reported as soon as possible but no later than the working day following the modification or termination.

2 In the case of auction markets where orders are not made publicly visible, only concluded contracts and final orders shall be reported. They shall be reported no later than on the working day following the auction.

3 Orders placed in brokers' voice operated services and not appearing on electronic screens shall be reportable only upon request of the Agency.

4 Details of non-standard contracts including any modification or the termination of the contract and transactions referred to in the second subparagraph of Article 5(1) shall be reported no later than one month following the conclusion, modification or termination of the contract.

5 Details of contracts referred to in Article 3(1)(b)(i) shall be reported as soon as possible but no later than on the working day following the availability of the allocation results. Any modification or the termination of the concluded contracts shall be reported as soon as possible but no later than on the working day following the modification or termination.

6 Details of wholesale energy contracts which were concluded before the date on which the reporting obligation becomes applicable and remain outstanding on that date shall be reported to the Agency within 90 days after the reporting obligation becomes applicable for those contracts.

The reportable details shall only include data which can be extracted from market participants' existing records. They shall at least comprise of data referred to in Article 44(2) of Directive 2009/73/EC of the European Parliament and of the Council<sup>(3)</sup> and in Article 40(2) of Directive 2009/72/EC of the European Parliament and of the Council<sup>(4)</sup>.

- (1) Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).
- (2) Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).
- (3) Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).
- (4) Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).