

SCHEDULE 2

Regulation 7

The REMIT Implementing Regulation

1. In Article 1 (subject matter) for “Agency” substitute “national regulatory authority”.
- 2.—(1) Article 2 (definitions) is amended as follows.
 - (2) In the first paragraph, omit “and in Article 3 of [Commission Regulation \(EU\) No 984/2013](#)”.
 - (3) In the second paragraph—
 - (a) in point (4) (definition of ‘organised market place’ or ‘organised market’), for the words from “Article 4” to the end, substitute “Article 2 of Regulation (EU) No 600/2014(1);
 - (b) for point (5) substitute—

“(5) ‘group’ means a parent undertaking and all its subsidiary undertakings, within the meanings given in section 1162 of the Companies Act 2006;”;
 - (c) at the end insert—

“(14) ‘ACER registration code’ means a registration code issued under the centralised European register of market participants maintained by the Agency;

(15) ‘data reporting system’ means a system established by the national regulatory authority under Article 10A;

(16) ‘gas day’ means a period from 5.00 a.m. to 5.00 a.m. the following day;

(17) ‘interconnection point’ has the meaning given in Article 3.2 of Commission Regulation (EU) 2017/459;

(18) ‘start date’, in relation to a data reporting system, means the date specified in a notice under Article 10A(2).”.
- 3.—(1) Article 3 (list of reportable contracts) is amended as follows.
 - (2) At the beginning insert—

“**A1.** Paragraphs 1 and 2 apply—

 - (a) as regards wholesale energy products relating to—
 - (i) the supply of electricity or natural gas with delivery in Great Britain; or
 - (ii) the transportation of natural gas in Great Britain,from the start date of any data reporting system established by the GB Authority;
 - (b) as regards wholesale energy products relating to—
 - (i) the supply of electricity or natural gas with delivery in Northern Ireland; or
 - (ii) the transportation of natural gas in Northern Ireland,from the start date of any data reporting system established by the NI Authority.”.
 - (3) In paragraph 1—
 - (a) in the words before subparagraph (a), for “to the Agency” substitute “to the GB Authority if they fall within paragraph A1(a) and to the NI Authority if they fall within paragraph A1(b);
 - (b) for “the Union”, in each place that it occurs, substitute “Great Britain or Northern Ireland”.
 - (4) After paragraph 1 insert—

(1) Article 2 of Regulation (EU) No 600/2014 is amended by S.I. 201x/xxx.

“**1A.** For the purposes of paragraphs A1 and 1, any contract made in the SEM relating to the supply or transportation of electricity, or derivative of such a contract, is to be treated as a contract or derivative relating to the supply of electricity for delivery in, or the transportation of electricity in, Northern Ireland.”.

(5) In paragraph 2—

(a) omit the first subparagraph;

(b) in the second subparagraph—

(i) for the words from the beginning to “organised”, substitute “Organised”;

(ii) for “Agency”, in the second and third places that it occurs, substitute “national regulatory authority”.

(6) After paragraph (2) insert—

“**3.** If a wholesale energy product referred to in paragraph 1 or 2 is not required to be reported to the GB Authority, or to the NI Authority, under those paragraphs because a data reporting system is not in operation, it must be reported to that authority upon a reasoned request by that authority.”.

4. In Article 4 (list of contracts reportable at request of the Agency), in the heading and in paragraph 1, for “Agency” substitute “national regulatory authority”.

5. In Article 5 (details of reportable contracts including orders to trade), omit paragraph 2.

6.—(1) Article 6 (reporting channels for transactions) is amended as follows.

(2) In paragraph 1, for “Agency” substitute “national regulatory authority”;

(3) In paragraph 4—

(a) in the words before point (a), for “Agency” substitute “national regulatory authority”;

(b) omit point (d).

(4) In paragraphs 6 and 8, for “Agency” substitute “national regulatory authority”.

7.—(1) Article 7 (timing of reporting of transactions) is amended as follows.

(2) In paragraph 3, for “Agency” substitute “national regulatory authority”.

(3) Omit paragraph 6.

8. At the beginning of Chapter III (reporting of fundamental data) insert—

“Article 7A

Application of Articles 8 and 9

Articles 8 and 9 apply—

(a) in relation to Great Britain, from the start date of any data reporting system established by the GB Authority;

(b) in relation to Northern Ireland, from the start date of any data reporting system established by the NI Authority.”.

9.—(1) Article 8 (rules for the reporting of fundamental data on electricity) is amended as follows.

(2) In paragraph 1—

(a) in the first sentence—

- (i) for “The ENTSO for Electricity” substitute “Electricity transmission system operators”;
 - (ii) for “Agency” substitute “national regulatory authority”;
- (b) omit the second sentence.
- (3) In paragraph 2—
 - (a) in each place that it occurs, for “Agency” substitute “national regulatory authority”;
 - (b) in the first subparagraph—
 - (i) for “The ENTSO for Electricity” substitute “Electricity transmission system operators”;
 - (ii) for the words from “as soon as” to the end, substitute “as soon as reasonably practicable after they obtain the information”.
- (4) In paragraph 3, for “the Agency and, at their request, to national regulatory authorities” substitute “the national regulatory authority”.

10.—(1) Article 9 (rules for the reporting of fundamental data on gas) is amended as follows.

- (2) In paragraph 1—
 - (a) in each place that they occur—
 - (i) for “The ENTSO for Gas” substitute “Gas transmission system operators”;
 - (ii) for “Agency” substitute “national regulatory authority”;
 - (b) in the first subparagraph, omit the second sentence;
 - (c) in the second subparagraph, for the words from “as soon as” to the end, substitute “as soon as reasonably practicable after they obtain the information”.
- (3) In paragraph 2, for “Agency and, at their request, to national regulatory authorities” substitute “national regulatory authority”.
- (4) In paragraph 3—
 - (a) for “Article 2(12) of [Directive 2009/73/EC](#)” substitute “Article 2 of the Gas Regulation”;
 - (b) for “Agency and, at their request, to national regulatory authorities” substitute “national regulatory authority”.
- (5) In paragraph 5, for “the Agency and, at their request, to national regulatory authorities” substitute “the national regulatory authority”.
- (6) In paragraph 7—
 - (a) for “Article 2(10) of [Directive 2009/73/EC](#)” substitute “Article 2 of the Gas Regulation”;
 - (b) for “Agency and, at their request, to national regulatory authorities” substitute “national regulatory authority”.
- (7) In paragraph 9, for “Agency and, at their request, to national regulatory authorities” substitute “national regulatory authority”.

11.—(1) Article 10 (reporting procedures) is amended as follows.

- (2) In paragraph 1, for “Agency” substitute “national regulatory authority”.
- (3) In paragraph 2, for the words from “using” to the end, substitute “in such manner as the national regulatory authority may direct”.
- (4) In paragraph 3—
 - (a) in the first sentence, for the words from the beginning to “industry standards” substitute—

“Market participants, and third parties reporting on their behalf, must comply with any procedures, standards or electronic formats established by the national regulatory authority

(b) omit the second sentence.

12. At the beginning of Chapter IV (final provisions) insert—

“Article 10A

Data reporting system

1. Subject to paragraph 2, the GB Authority and the NI Authority must each establish a system (a “data reporting system”) for persons to report data to it under Chapters II and III of this Regulation.

2. The national regulatory authority need not establish a data reporting system if it determines that it is unnecessary to do so, because it is able to obtain by other means the data specified in Articles 3, 8 and 9, or sufficient of that data to carry out its REMIT functions.

3. The national regulatory authority must establish a data reporting system—

- (a) as soon as reasonably practicable after exit day, unless it makes a determination under paragraph 2; or
- (b) if it makes a determination under paragraph 2, but later determines that the condition in that paragraph is no longer satisfied, as soon as reasonably practicable after it makes that later determination.

4. Paragraphs 5 to 7 apply where the national regulatory authority establishes a data reporting system.

5. The national regulatory authority must publish a notice specifying the date from which the data reporting system will start to operate.

6. That date must be not less than 3 months after the date on which the notice is published.

7. From that date, persons required to report data to the national regulatory authority under Chapter II or III must report it using the data reporting system, unless the national regulatory authority directs otherwise.

8. In paragraph 2, “REMIT functions” means functions under—

- (a) Regulation (EU) No 1227/2011; or
- (b) as applicable, the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc.) Regulations 2013 or the Electricity and Gas (Market Integrity and Transparency) (Enforcement etc) Regulations (Northern Ireland) 2013.”.

13.—(1) Article 11 (technical and organisational requirements and responsibility for reporting data) is amended as follows.

(2) In paragraph 1—

(a) in the first subparagraph—

- (i) in the first sentence, for “Agency shall” substitute “national regulatory authority may”;
- (ii) in the second sentence, for “Agency” substitute “national regulatory authority”;

(b) in the third subparagraph—

- (i) in the first sentence, for “The Agency” substitute “If the national regulatory authority establishes such requirements, it”;
 - (ii) in the second sentence, for “Agency” substitute “national regulatory authority”.
- (3) In paragraph 2, in the first subparagraph, for “the Agency and, where required so, to national regulatory authorities” substitute “the national regulatory authority”.
- 14.** In Article 12 (entry into force and other measures)—
- (a) in paragraph 2, in the third subparagraph, omit the words from “but not before” to the end;
 - (b) omit paragraph 3.
- 15.** After Article 12, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.
- 16.** In the Annex (details of reportable contracts)—
- (a) at the beginning insert—

“Note: Where the following tables require the provision of a registration code, the reporting entity must provide:

 - (1) a registration code assigned to them by the GB Authority or the NI Authority; or
 - (2) an ACER registration code, if no registration code has been assigned to them by either of those authorities.”.
 - (b) in Tables 1 and 2, in the third column, for “ACER registration code” in each place that it occurs substitute “Registration code”.