

Administrative Arrangement

between

the European Union Agency for the Cooperation of Energy

Regulators

and

the Regulatory Authority in the United Kingdom, designated in

accordance with Article 310 of the Trade and Cooperation Agreement

(GEMA and Utility Regulator)

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The **European Union Agency for the Cooperation of Energy Regulators**, hereinafter referred to as “the Agency”, of the one part,

and

the **Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator¹)**, duly represented by the Gas and Electricity Markets Authority (GEMA) and the Utility Regulator, of the other part,

hereinafter referred to as the “Authorities”

WHEREAS

- 1) Considering that the United Kingdom left the European Union (“EU”) on 31 January 2020 and that the provisions of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (“Withdrawal Agreement”)² entered into force on 1 February 2020,
- 2) Noting that the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator) does not participate in the Agency,
- 3) Noting that the Trade and Cooperation Agreement (“TCA”) recognises the benefits of trade and investment in energy and raw materials and the importance of supporting the delivery of cost efficient, clean and secure energy supplies to the EU and the United Kingdom through a clear framework based on fair competition in energy markets and non-discriminatory access to networks,
- 4) Noting that legislative and regulatory divergence may emerge in respective jurisdictions which might impact development, operation and functioning of electricity and gas interconnectors and trade, and that consequently an administrative arrangement for information exchange and mutual assistance would facilitate meeting the objectives of the TCA and ensure the integrity and transparency of wholesale energy markets,
- 5) Noting that there will be significant developments in relation to offshore renewable energy and gas decarbonisation, for which information exchange would be of value,
- 6) Noting that monitoring trading activity with a view to detecting and preventing market abuse would be enhanced by cooperation and information exchange between the Agency and the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator), including on market monitoring and potential cases of market abuse,
- 7) Having regard to Title VIII of Part 2, Heading I of the TCA and in particular Article 318(1) thereof, and the Windsor Framework³, the Agency and the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator) have entered into this Administrative Arrangement (“AA”) concerning information exchange, mutual assistance and cooperation to facilitate meeting the objectives of the TCA and of Article 9 of the Windsor Framework,
- 8) Noting that Article 317 of the TCA calls for Transmission System Operators (“TSOs”) in the UK and the EU to also develop working arrangements to support the operational tasks associated with meeting the objectives of the TCA, and that ensuring consistency between these arrangements would be beneficial,

¹ Utility Regulator refers to the Northern Ireland Authority for Utility Regulation (NIAUR)

² OJ L 29, 31.1.2020, p. 1

³ Joint Declaration No 1/2023 of the Union and the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023, OJ L 102, 17.4.2023, p. 87.

- 9) Noting that Article 317 of the TCA also calls for UK and EU TSOs to request opinions from the Authorities on technical procedures developed upon request by the Specialised Committee on Energy, and that although these opinions will be formed independently by the Authorities, dialogue between the Authorities related to technical procedures would be of value,
- 10) Recalling that Article 9 of the Windsor Framework and Annex 4 thereto make provisions of Union law governing wholesale electricity markets apply, under the conditions set out in that Annex, to and in the United Kingdom in respect of Northern Ireland, and that therefore the Utility Regulator continues to act as if it were a National Regulatory Authority for the purposes of the Windsor Framework,
- 11) Recalling that the Utility Regulator participates on an equal basis with Ireland's Commission for Regulation of Utilities in the management and operation of the Single Electricity Market on the island of Ireland,
- 12) Noting that Article 12(4) of the Windsor Framework provides that, in relation to the application of Article 9 of the Windsor Framework, the Agency will have the powers conferred upon it by Union law, and therefore the Rules of Procedure of the Agency (Decision No 19/2019⁴) would also apply to the Agency's decisions involving the Utility Regulator,
- 13) Acknowledging that this AA does not create legal obligations in respect to the EU and its Member States,

Have the following understanding:

Article 1 – Definitions

For the purposes of this AA, the definitions in the TCA and the Withdrawal Agreement of which the Windsor Framework is an integral part are used, as relevant.

In addition, the following definitions are introduced:

1. "AA" means this Administrative Arrangement.
2. "Authority" means the Agency and the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator), as the context requires (jointly the "Authorities" and each of them, individually, an "Authority").
3. "NRA" means a national regulatory authority designated in accordance with Article 57(1) of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU or Article 39(1) of 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 (as amended from time to time).
4. "REMIT Regulation" means, as the context so requires, i) Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency as amended by Regulation (EU) No 2024/1106 of the European Parliament and the Council of 11 April 2024, or as it may be amended, as applicable under Article 9 of the Windsor Framework and / or ii) such regulation as it applies in Great Britain, under the European Union (Withdrawal) Act 2018 and as amended by the Electricity and Gas (Market Integrity and Transparency) (Amendment) (EU Exit) Regulations 2019 (SI 2019/534), or as it may be amended.
5. "Requested Authority" means the Authority to whom a request is made under Articles 5

⁴ Decision No 19/2019 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 11 December 2019 on the Rules of Procedure of the European Union Agency for the Cooperation of Energy Regulators

and 8 of this AA.

6. "Requesting Authority" means the Authority making a request under Articles 5 and 8 of this AA.
7. "TCA" means the Trade and Cooperation Agreement between the EU and the European Atomic Energy Community, on the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, signed on 30 December 2020 and applicable since 1 January 2021.
8. "Wholesale Energy Market" means a wholesale energy market subject to regulation, monitoring and/or oversight by the Agency or the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator).

Article 2 – General Provisions

1. This AA is a statement of intent to cooperate, provide mutual assistance and exchange information where appropriate and on the basis of reciprocity, with regard to the areas listed in Article 318(1) of the TCA. The Authorities party to this AA intend to provide each other with the fullest cooperation permissible to facilitate the fulfilment of the objectives of the TCA and the obligations under Article 9 of the Windsor Framework.
2. This AA does not cover the cooperation and exchange of information between the Agency and Utility Regulator pursuant to the Memorandum of Understanding on the cooperation for market monitoring under the REMIT Regulation (as amended), unless otherwise provided for in this AA.
3. There is no intended conflict between the provisions of this AA and the TCA provisions, or between this AA and the provisions of the Windsor Framework. In the event of an inconsistency or conflict, the TCA and the Windsor Framework take precedence over the provisions of this AA insofar as the latter are incompatible with either of the former.
4. Cooperation between the Authorities may be achieved through oral and written communication, whichever means suit best to deliver an intended activity, task or request, which was initiated under the scope of this AA. To facilitate communication between the Authorities, the Authorities designate the individuals listed in Annex I as main liaison officers and coordination contacts. The Authorities will endeavour to maintain an updated list outside the AA of relevant liaison officers across areas of engagement covered by the AA.
5. The Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator) may be represented either by a delegation of both the GEMA and Utility Regulator, or at their discretion after coordination, by only one of these regulatory authorities.
6. For matters of relevance to Northern Ireland only, such as the matters related to the Single Electricity Market on the island of Ireland, the Agency may elect to contact only Utility Regulator as the sole representative of the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator).
7. This AA does not create any legally binding obligations, confer any enforceable rights, or supersede domestic laws between the Authorities party to this AA. While this AA is not intended to be legally binding, in the event of a disagreement, the Authorities endeavour to resolve the disagreement as set out in Article 11 of this AA.
8. This AA does not limit or preclude the Authorities' ability to take unilateral actions in fulfilment of their regulatory functions.
9. This AA does not prejudice, limit or alter the terms and conditions of any bilateral or multilateral Memorandum of Understanding or other arrangements between or among either Authority or any NRA or any other competent authority in the EU Member States.

10. Unless otherwise agreed upon, the Authorities intend to bear their own costs of participating in the activities under this AA.

Article 3 – Oversight of the Administrative Arrangement

1. The Authorities intend to meet twice a year to discuss and assist the operation of this AA. In these meetings, the Authorities will make best efforts to define and prioritise the areas falling under the scope of the AA warranting engagement for the concerned period. However, this does not preclude the ability to engage on other issues falling under the scope of the AA that emerge during the concerned period. These meetings are co-chaired by a representative from the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator) and a member of the Agency. Each Authority designates a co-Chair from among the main liaison officers listed in Annex I to this AA, and the co-Chairs agree the meeting schedule and agenda in advance of each meeting.
2. Cooperation between the Authorities party to this AA may be achieved through the cooperation modalities set out in Articles 4 to 8 of this AA. Depending on the subject of the interaction, the relevant liaison officer(s) determine the appropriate cooperation modality and give feedback to the co-Chairs designated under this Article 3. The employment of one Article to facilitate engagement on a topic does not lead to the exclusion of employing another Article for engagement on the same topic where appropriate.

Article 4 – Exchange of Information

1. To facilitate meeting the objectives of the TCA, the Authorities intend to have regular exchanges of information on developments in their respective jurisdictions, which fall within the field of competence of the Authorities, with regard to matters set out in Article 318(1) of the TCA. This exchange may include information on regulatory divergences that may arise from legislative developments and regulatory decisions or rules that are likely to have a material impact on the functioning of energy markets, trade and the functioning, operation and development of energy infrastructure, as well as on the monitoring and/or oversight activities of the Authorities. It may also relate to non-binding guidance as well as best practices such as methods, techniques and standards to manage emerging challenges and developments in the respective energy markets, network development or the functioning of interconnectors.
2. The Authorities will make best efforts to define and prioritise areas of information exchange and likely frequency of exchange for the concerned period in the biannual meetings as defined in Article 3 of this AA.
3. To promote the effective functioning of the Wholesale Energy Market through the provision of a consistent regulatory framework, the Authorities will communicate with each other in advance before making changes to their REMIT guidance. This includes that the Authorities inform each other in a timely manner of any upcoming material changes to their respective REMIT guidance.
4. The relevant liaison officer(s) should determine the appropriate approach to exchange information in a timely manner and give feedback to the co-Chairs designated under the previous Article on that exchange.

Article 5 – Assistance

1. Within the framework of the AA, the Authorities endeavour to provide each other with the assistance necessary to facilitate meeting the objectives of the TCA. The assistance covers matters that could not be exhaustively handled under Article 4 of this AA.
2. Such assistance available under the AA includes providing and obtaining information, and discussing and interacting on specific matters that impact the interests of either Authority. This Article does not apply to assistance given under Article 8 of this AA in respect of potential cases of market abuse in the Wholesale Energy Market.
3. A request for assistance should be made in writing, and addressed to the relevant liaison officer(s) and the co-Chair (if different). Such a request should ordinarily specify the following:
 - (a) the type of information/assistance sought;
 - (b) a concise description of the matter which is the subject of the request and the regulatory, oversight or compliance purpose for which the assistance is sought, including the applicable legal framework, where appropriate; and
 - (c) an indication of the urgency of the issue and when the issue needs to be resolved by.
4. To the extent permitted by law and the resources available to it, the Requested Authority should aim to take reasonable endeavours to provide the assistance sought under this Article to the Requesting Authority in a timely manner.

Article 6 – Cooperation

The Authorities may seek cooperation on cross-border regulatory issues of joint interest in the areas listed in Article 318(1) of the TCA. To this purpose, the Authorities may ad-hoc convene meetings to discuss these regulatory issues, if deemed appropriate for meeting the objectives of the TCA.

Article 7 – Article 9 of the Windsor Framework

1. To facilitate the effective implementation of the Windsor Framework, in addition to Articles 3 to 6 of the AA, the Agency intends to follow its Rules of Procedure (Decision No 19/2019) in respect of Utility Regulator when it issues decisions which Utility Regulator will be required to implement under Article 9 of the Windsor Framework, including notifying in a timely manner when the Agency intends to adopt a decision and hearing Utility Regulator in this context. Utility Regulator intends to provide the Agency with timely information, when requested by the Agency, for preparing the Agency's decisions.
2. When the Agency issues an opinion, Utility Regulator intends to take into account that opinion before taking its decisions, where appropriate.

Article 8 – Assistance and Sharing of Information when there may be a suspicion of market abuse

1. To meet the objectives of the TCA, the Authorities intend to cooperate with, and assist, each other with a view to investigating, detecting and preventing, trading on the Wholesale Energy Market based on inside information and market manipulation, also known as market abuse. This Article covers assistance and, where appropriate, exchange of information in respect of that cooperation, including on market monitoring and potential cases of market abuse.
2. Each Authority will endeavour to notify the other of all instances of potential market abuse on the Wholesale Energy Market that come to its knowledge and that may come under the geographical jurisdiction of another Authority using the formats and Notification Platforms indicated in Annex II to this AA.
3. A Requesting Authority may request assistance or information from the Requested Authority where the Requesting Authority considers that the Requested Authority is best placed to provide assistance or information that may be relevant to investigating, detecting or preventing market abuse on the Wholesale Energy Market, including abuse with a potential cross-border impact.
4. A request for information under this Article should be made in writing and addressed to the relevant liaison officer at the Requested Authority. A request should ordinarily specify the following:
 - (a) the type of information/assistance sought and its source;
 - (b) a concise description of the matter which is the subject of the request; and
 - (c) an indication of the urgency of the issue and when the issue needs to be resolved by.
5. To the extent permitted by law and the resources available to it, and in so far as it is reasonably practical for it to do so, the Requested Authority will endeavour to provide the information or assistance sought under this Article in a timely manner.
6. Information on potential market abuse cases is shared exclusively in accordance with this Article using the communication tools specified in Annex II to this AA, unless otherwise agreed by the Authorities.
7. Any information received, exchanged or transmitted pursuant to this Article is subject to the conditions of professional secrecy laid down in Article 17 of the REMIT Regulation and for the purpose of further exchanging or transmitting information received from the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator), is to be considered as if it had been received from an authority of a Member State under Article 17(5) of the aforementioned regulation.
8. The Agency intends to take a coordination role where the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator) and one or more NRAs plan to investigate instances of potential market abuse by way of joint or parallel investigations. The Agency may request assistance or case information from the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator) in these circumstances, as appropriate.
9. For the avoidance of doubt, GEMA and Utility Regulator may act independently when exercising the provisions of this Article. Equally, the Agency may address GEMA and Utility Regulator independently, when exercising the provisions of this Article.

Article 9 – Personal data

The Authorities acknowledge that the transfer of personal data will take place in accordance with the conditions laid down in the relevant data protection legislation applicable to the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator) and to the Agency.

Article 10 – Confidentiality

1. Save as provided by Article 17 of the REMIT Regulation and Article 8(7) of this AA, each Authority keeps confidential to the extent permitted by law information shared under the AA, requests made under this AA, the contents of such requests, and any other matters arising under this AA. The terms of this AA are not confidential.
2. Unless otherwise provided for in this AA, or unless disclosure is required by law, the Requesting Authority will obtain the prior consent of the Requested Authority before publicly disclosing non-public information received under this AA. Consent should not be unreasonably withheld without justification. The concerned Authorities will endeavour to discuss the reasons for withholding consent to such use and the circumstances, if any, under which the intended use by the Requesting Authority might be allowed. In any case, the final decision rests with the Requested Authority.
3. Where required by law, it may become necessary for the Requesting Authority to share information obtained under this AA with other competent authorities in its jurisdiction. In these circumstances and to the extent permitted by law:
 - (a) The Requesting Authority notifies the Requested Authority.
 - (b) Prior to passing on the information, the Requesting Authority will endeavour to receive adequate assurances concerning the competent authority's use and confidential treatment of the information, including, as necessary, assurances that the information is not to be shared with other parties without getting the prior consent of the Requested Authority.
4. The Authorities agree that the sharing or disclosure of non-public information, including but not limited to deliberative and consultative materials, such as written analysis, opinions or recommendations relating to non-public information, will not constitute a waiver of confidentiality of such information.

Article 11 – Dispute Resolution

The Authorities endeavour to resolve disagreements between the Agency and the Regulatory Authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator) with regard to the interpretation and application of this AA by means of dialogue and negotiation between the Authorities.

Article 12 – Amendments

1. This AA may be amended by mutual consent between the Authorities in written form at any time, after consideration by the Specialised Committee on Energy established by Article 8(1)(l) of the TCA. Such amendment should come into effect the day after it has been signed by the Authorities party to this AA.
2. The Authorities should enter into discussion with respect to possible amendments to this AA at the request of either Authority.
3. Notwithstanding paragraphs 1 and 2, the Authorities may amend the Annexes to the AA, as far as concerns them, by giving each other prior written notice.

Article 13 – Start of cooperation, termination and review

1. This AA starts applying on the date it is signed by the last Authority. This AA will be published by the Authorities on their respective websites as soon as possible after their signature.
2. The AA ceases to apply on 30 June 2026.

Notwithstanding the above, the AA is automatically prolonged if the Energy Title of the

TCA is extended in accordance with Article 331 of the TCA and has the same duration as the Energy Title of the TCA.

3. The Authorities intend to jointly review the operation of this AA once the associated TSO arrangements for gas and electricity have been developed in accordance with Article 317 of the TCA. Excluding this exception to account for TSO arrangements, the Authorities aim to jointly review the operation of this AA not more than 24 months from the date of its entry into force, and thereafter whenever deemed appropriate by the Authorities, with a view, inter alia, to expanding or altering the scope or operation of this AA should it be deemed necessary based on the experience collected during its application.



Mr Christian Zinglensen

Director

For the EU Agency for the Cooperation of Energy Regulators

Date: 27 November 2024



Dr Amy O'Mahoney

Deputy Director, Wholesale Market Oversight and International, Office of Gas and Electricity Markets

Office of Gas and Electricity Markets

19 December 2024



Mr John French

Chief Executive

Northern Ireland Authority for Utility Regulation

20 December 2024

For the regulatory authority in the United Kingdom designated in accordance with Article 310 of the Trade and Cooperation Agreement (GEMA and Utility Regulator)

ANNEX I: Contacts

1) ACER:

Main Liaison Officers

Christophe Gence-Creux – Christophe.Gence-Creux@acer.europa.eu

Martin Godfried – Martin.Godfried@acer.europa.eu

Csilla Bartok – Csilla.Bartok@acer.europa.eu

Karina Knaus – Karina.Knaus@acer.europa.eu

Rafael Muruais Garcia – Rafael.Muruais-Garcia@acer.europa.eu

Karin Lunning – Karin.Lunning@acer.europa.eu

AA Coordination Contacts

Mitsuko Akiyama – Mitsuko.Akiyama@acer.europa.eu

2) GEMA:

Main Liaison Officers

Cathryn Scott – cathryn.scott@ofgem.gov.uk

Amy O'Mahoney – amy.o'mahoney@ofgem.gov.uk

AA Coordination Contacts

Christian Goulart Mc Nerney - christian.goulart-mcnerney@ofgem.gov.uk

3) Utility Regulator:

Main Liaison Officers

Colin Broomfield – Colin.Broomfield@uregni.gov.uk

AA Coordination Contacts

Jean Pierre Miura – JeanPierre.Miura@uregni.gov.uk

Clodagh Goodman - Clodagh.Goodman@uregni.gov.uk

ANNEX II: List of tools for providing assistance and information on potential market abuse cases

- 1) ACER Notification Platform: <https://www.acer-remit.eu/np/home> (Article 8.2 of the AA)
- 2) ACER Functional Mailbox: market.conduct@acer.europa.eu (Articles 8.4 and 8.6 of the AA).
- 3) GEMA Functional Mailbox: market.conduct@ofgem.gov.uk or other electronic address notified from time to time to ACER
- 4) Utility Regulator Functional Mailbox: info@uregni.gov.uk or other electronic address notified from time to time to ACER