

All interested parties,
Stakeholders in GB and beyond,
and other regulatory bodies

Email: Tom.Corcut@ofgem.gov.uk

Date: 4 January 2021

Dear Colleague,

Direction exempting Market Participants from the obligation to register with the Authority under Article 9 REMIT if already registered with another regulatory authority

In accordance with Article 9(1) of the Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency, as amended, ("REMIT")¹, wholesale energy market participants (MPs) entering into reportable transactions² are required to register with the National Regulatory Authority (NRA) in each part of the United Kingdom in which they are active. Ofgem³ is the NRA for Great Britain.

However, Article 9(1A) of REMIT, which is now in force following IP completion day⁴, allows the Authority to direct that the obligation to register does not apply to MPs who are already registered with the Northern Ireland Authority or with a NRA of a Member State of the European Union (EU) under this Regulation as it applies in EU law.

Article 9(1C) of REMIT specifies that such a direction may have effect generally or in specified cases, may be made for a specified period, and may be varied or revoked by the national regulatory authority which made the direction.

To minimise potential disruption to GB wholesale energy markets, and to ensure that registration obligations on MPs can be met in the least burdensome way, we therefore consider that, until further notice, the requirement to register with Ofgem should not apply to MPs already registered with the Northern Ireland Authority or with a NRA of a Member State of the EU. This reasoning is consistent with the position we explained in our 'No-deal EU exit REMIT contingency arrangements' letters of 4 December 2018, 1 March 2019⁵ and 13 October 2020⁶, respectively.

¹ The Regulation (EU) No 1227/2011 as it had effect in EU law on exit day is retained under national legislation by effect of the European Union (Withdrawal) Act 2018 and amended by the Electricity and Gas (Market Integrity and Transparency) (Amendment)(EU Exit) Regulations 2019.

² A reportable transaction is defined in Article 9(6) REMIT as a transaction which is required to be reported to a national regulatory authority under Article 8(1), or which would be required to be reported if the national regulatory authority had established a data reporting system under Article 10A of the REMIT Implementing Regulation.

³ Ofgem is the Office of the Gas and Electricity Markets Authority. The terms "Ofgem" and "the Authority," "we" and "us" are used interchangeably in this letter

⁴ S39 of EU Withdrawal Act 2020 defines "IP completion day" as 31 December 2020 at 11.00 p.m

⁵ https://www.ofgem.gov.uk/system/files/docs/2019/03/ofgem_remit_communications_notice_update.pdf

⁶ https://www.ofgem.gov.uk/system/files/docs/2020/10/eu_exit_remit_comms_-_oct_20_update_0.pdf

The Authority's decision

In accordance with our powers under Article 9(1A) and (1C) REMIT, as amended, we hereby direct that those MPs already registered with the Northern Ireland Authority or an EU NRA do not need to register with us. We have decided that this direction shall:

- a) have effect generally, to ensure that it applies equally to all MPs who are already registered with the Northern Ireland Authority or an EU NRA; and
- b) to apply until further notice, to provide regulatory certainty to MPs, while retaining the flexibility for the Authority to review the decision in light of future events.

This letter contains a direction (attached as Annex 1) implementing this decision.

Next steps

This Direction should apply immediately and until further notice. We may elect to vary or cancel the Direction in the future. However, to provide MPs sufficient time to ensure their compliance with any new requirements, we would make sure to provide at least three months notice of any change.

Yours sincerely,



Tom Corcut
Deputy Director, Wholesale Markets and Commercial

ANNEX 1

Direction to all market participants already registered with another regulatory authority pursuant to Article 9 1A and 1C of Regulation (EU) No 1227/2011 (retained and amended)

1. This Direction is issued by the Gas and Electricity Market Authority (the "Authority") pursuant to Article 9(1A) of Regulation (EU) No 1227/2011.
2. Article 9(1) of Regulation (EU) No 1227/2011 requires that market participants entering into reportable transactions shall register with the national regulatory authority in each part of the United Kingdom in which they are active by 27 April 2019 (subject to Regulation 7(8) of Schedule 1 Electricity and Gas (Market Integrity and Transparency) (Amendment)(EU Exit) Regulations 2019); and
3. Article 9(1A) of Regulation (EU) No 1227/2011 provides that the regulatory authority for Great Britain may direct that the obligation in Article 9(1) to register with the regulatory authority does not apply to market participants which are already registered with the regulatory authority for Northern Ireland, or which are already registered with a national regulatory authority of a member State of the European Union under this Regulation as it applies in EU law (the "registered market participants").
4. After careful consideration, the Authority has decided to exempt the registered market participants from the obligation to register with it.

The reason for this decision is to minimise potential disruption to wholesale energy markets in Great Britain, by ensuring that the registration obligations on market participants set out in Article 9 of REMIT can be met in the least burdensome way.

5. The Authority therefore hereby directs:
 - (a) that the market participants which are already registered with the regulatory authority in Northern Ireland, or with a national regulatory authority of a Member State of the European Union under this Regulation as it applies in EU law need not register with the Authority;
 - (b) that this direction shall have immediate effect and shall apply until and unless the Authority adopts a new direction pursuant to Article 9 1A and 1C of Regulation (EU) No 1227/2011.
6. This Direction shall remain in effect until such time as the Authority may vary or cancel the Direction in writing upon reasonable notice.



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Tom Corcut
Deputy Director, Wholesale Markets and Commercial
Signed on behalf of the Authority and authorised for that purpose by the Authority
on 4 January 2021