

REMIT Registration Format

(pursuant to Article 9(3) of Regulation (EU) No 1227/2011
of the European Parliament and of the Council of 25 October 2011
on wholesale energy market integrity and transparency – REMIT)

Public Consultation Paper

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According to Article 9 of Regulation (EU) No 1227/2011 on wholesale Energy Market Integrity and Transparency (“REMIT”), the Agency for the cooperation of energy regulators (the “Agency”), in cooperation with national regulatory authorities (NRAs), shall determine the format through which NRAs transmit the information on market participants to the Agency (the “REMIT registration format”). The Agency shall publish the REMIT registration format by 29 June 2012.

This public consultation paper is intended to collect views from all parties interested in the implementation of REMIT (market participants, organised markets and other persons professionally arranging transactions, financial regulatory authorities, etc.) on the Agency’s proposal for REMIT registration format.

The Agency invites all interested parties to provide comments to the consultation paper on REMIT Registration Format, and especially answers to the consultation issues listed in the Annex, by 21 May 2012, 12.00 noon, Central European Time, to consultation2012R08@acer.europa.eu.

Related Documents

ACER documents

- [1] ACER Work Programme 2012,
http://www.acer.europa.eu/portal/page/portal/ACER_HOME/The_Agency/Work_programme/ACERWP%202012FINAL.pdf

External Documents

- [2] Regulation (EC) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:326:0001:0016:en:PDF>
- [3] OECD Steering Group on Corporate Governance, Options for Obtaining Beneficial Ownership and Control Information: A Template, September 2002
<http://www.oecd.org/dataoecd/50/40/1961539.pdf>
- [4] Ebix Forum, Recommended identification schemes for the European energy industry, version 1.1, revision F, 21 Oct. 2011
http://www.ebix.org/documents/ebIX%20Identification_schemes_v1r1F.doc

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1 Scope of this consultation paper

According to Article 9(3) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency¹ (hereinafter: REMIT), the Agency for the Cooperation of Energy Regulators (hereinafter: the Agency), in cooperation with National Regulatory Authorities (hereinafter. NRAs), shall determine and publish, by 29 June 2012, the format through which NRAs transmit the information on market participants to the Agency (hereinafter: the REMIT registration format).

According to Article 9(2) of REMIT, NRAs shall establish the national registers of wholesale market participants and shall keep them up to date. The REMIT registration format is needed to enable NRAs to transmit the information in their national registers to the Agency, that shall establish the European register of wholesale market participants.

This public consultation paper contains the proposal of the Agency for the REMIT registration format. After a brief outline of the relevant legislative provisions in REMIT and an overview of roles and responsibilities (Section 2), this paper focuses on the three issues which the Agency considers to be priorities for consideration:

- The content of the registration format (section 3),
- The registration process and its update (section 4),
- The publication of the European Register (or part of it) (section 5).

This paper also contains, in section 6, some initial considerations on three possible options for the unique identifier needed to identify market participants in the transactions that have to be reported to the Agency in accordance with Article 8 of REMIT.

Issues related to the record of transactions will be addressed by the Agency, to a larger extent, in its recommendations to the European Commission on the record of transactions, including orders to trade. Views on the unique identifier collected in the public consultation of this document will be taken into account in preparing the draft recommendations. The public consultation on such recommendations is currently scheduled for June/July 2012.

¹ OJ L 326, 8.12.2011, p. 1.

2 REMIT registration

This Section briefly summarises the REMIT provisions on registration and outlines roles and responsibilities of NRAs, the Agency and market participants in this area.

2.1 REMIT main provisions for registration

According to Article 9(1) of REMIT, *“market participants entering into transactions which are required to be reported to the Agency in accordance with Article 8(1) shall register with the national regulatory authority in the Member State in which they are established or resident or, if they are not established or resident in the Union, in a Member State in which they are active”*.

Registration is of great importance within the REMIT framework since, according to Article 9(4), *“market participants ... shall submit the registration form to the national regulatory authority prior to entering into a transaction which is required to be reported to the Agency in accordance with Article 8(1)”*.

The main REMIT provisions on registration are the following:

- (a) **Single-sign for registration:** *“a market participant shall register only with one national regulatory authority. Member States shall not require a market participant already registered in another Member State to register again”* (Article 9(1), second subparagraph);
- (b) **Unique identifier for each market participant:** *“The register shall give each market participant a unique identifier and shall contain sufficient information to identify the market participant”* (Article 9(2), second subparagraph);
- (c) **Exchange of data between national registers and European register:** *“national regulatory authorities shall transmit the information in their national registers to the Agency in a format determined by the Agency. The Agency shall, in cooperation with those authorities, determine that format and shall publish it by 29 June 2012. Based on the information provided by national regulatory authorities, the Agency shall establish a European register of market participants”* (Article 9(3), first subparagraph);
- (d) **Access of public authorities to the European register:** *“national regulatory authorities and other relevant authorities shall have access to the European register”* (Article 9(3), second subparagraph);
- (e) **Publication of the European register (or part of it):** *“the Agency may decide to make the European register, or extracts thereof, publicly available provided that commercially sensitive information on individual market participants is not disclosed”* (Article 9(3), second subparagraph);
- (f) **Regular update of information:** *“Market participants referred to in paragraph 1 shall communicate promptly to the national regulatory authority any change which has taken place as regards the information provided in the registration form”* (Article 9(5)).

2.2 Roles and responsibilities for registration

Roles and responsibilities for registration of market participants according to REMIT are attributed as follows:

- (a) **Market participants** have the primary responsibility of both initiating the registration process and updating the information they provide to NRAs;
- (b) **NRAs** are the only interface of market participants for the whole registration process (both first registration and updates); NRAs have the primary responsibility to set up the national registers of market participants established in their own Member State, as well as of non-EU market participants active in the market of their own Member State; NRAs must also keep the national registers up-to-date over time;
- (c) **The Agency** is mainly responsible for setting up, keeping up-to-date over time and making public (at least for the non-commercially-sensitive information) the European register of market participants, that is based on the national registers; the exchange of information between national registers maintained by NRAs and the European register maintained by the Agency is based on the “registration format” defined by the Agency.

2.3 The Agency’s overall approach

The transparency and integrity of the wholesale energy market depends upon a robust, high quality registration system. In fact, any analysis of transaction records, as well as of fundamental data, requires that relevant data are fully attributable to a market participant.

The Agency is required by REMIT to establish the format through which the information in the national registers is transferred to the Agency, to define who can access the information held by the Agency and to establish what information is published.

REMIT explicitly foresees that *“the registration of market participants is without prejudice to obligations to comply with applicable trading and balancing rules”* (Article 9(1), last subparagraph). The Agency will seek therefore to develop systems and solutions with the minimum impact on the existing registration and reporting systems and processes.

In doing this, the Agency is driven by the following criteria:

- **ensure uniqueness of the identifier at the European level** and not only at national level, in order to guarantee **full consistency between the European register and national registers**;
- **minimise the burden, including implementation costs, for all interested parties** (market participants, organised markets and other person professionally arranging transactions, fundamental data providers), keeping into appropriate consideration and **promoting interoperability** among the different coding systems currently used for trading and balancing;

- **ensure tracking of all changes of registration information** and in particular ensure the possibility to reconstruct the market participant's registration profile at a given time even if, in the meanwhile, some variations have occurred (including variations in the corporate structure of the registered market participant);
- **ensure consistency with the on-going implementation** of REMIT reporting, with particular reference to decisions to be taken in the Implementing Acts (see Section 6);
- **ensure openness of the registration procedure and format** to future development (for instance, the introduction of the Legal Entity Identifier (LEI) currently under development following the effect of G20 decisions and the US Dodd-Frank Act);
- **ensure a robust and appropriate governance structure for the entire registration process** and particularly ensure that the Agency and NRAs maintain an adequate degree of independence for introducing changes that would be necessary at a later stage.

Further, the Agency is prepared to support those NRAs that do not intend to set up their own registration infrastructure, by making it possible for them to manage their national registers through an IT-system developed by the Agency. The use of a common IT-system for NRAs and the Agency will allow for a simpler registration process, as described in section 4.

3 REMIT registration format

This section presents the set of information that the Agency considers necessary to be included in the registration format. The Agency's proposal seeks to minimise the informational burden placed on market participants, by limiting the set of information collected to what, in the judgement of the Agency, appears to be strictly necessary to ensure the effectiveness of the registration. However, in view of the possibility of the same registration IT-system being used at national and EU levels (see *Section 2.3 above*), some additional fields are envisaged for country-relevant information to be defined by the relevant NRA.

3.1 Registration format for market participants

The Agency proposes that the registration format is divided into the following sections and contains the information listed below.

(a) Basic information: this section of the registration format should include the minimum set of information strictly necessary to identify the market participant as a legal entity, as well as some additional information linked to such identity or to the registration process:

- Legal entity name;
- Legal form;
- VAT number;
- Member State or country of establishment (head quarter);
- Full address of establishment, including postal code;
- NRA which processes the registration;
- Energy Identifier Code (EIC, *only if available*);
- Bank Identifier Code (BIC, *only if available*);
- Other code used with TSOs, e.g. GS1: type and value (*only if available*);
- Legal Entity Identifier (LEI, *only from when this new international code will be available*);
- Place of publication of insider information;
- Website (URL).

(b) Country-relevant information: this section contains the information regarding the market participant as a legal entity in its national environment. However, it needs to be noted that this is on demand from the individual NRAs and it could easily be the case that no country-specific information is needed for some countries. Possible examples for country-relevant information may be:

- Registration number in a local trade register (e.g. Chamber of commerce);
- Registration number issued by the relevant NRA (*if already in place at national level*).

(c) Corporate structure information: this section of the registration format should include the information needed to ensure the identification of “parent undertaking” and/or “related undertakings”, according to Articles 2(12) and 2(13) of REMIT:

- For each parent or related undertaking that is a market participant:
 - Code that uniquely identifies the market participant (*see Section 6*);
 - Type of relation, according to the Seventh Council Directive 83/349/EEC of 13 June 1983 (*parent undertaking, controlled undertaking, related undertaking; see section 3.2 for further explanation*);
- For each ultimate controller or beneficiary of the market participant’s trading activities; the ultimate controller or beneficiary is not necessarily a market participant, (e.g. holding companies) and can be either a natural person or a legal entity:

- Type (*natural person or legal entity*);

For physical persons:

- Name of person;
- Title/capacity;
- Full address (including country and postal code);
- Fiscal code;
- E-mail.

For legal entities:

- Legal entity name;
- Legal form;
- VAT number;
- Full address (including country and postal code);
- E-mail;
- Other fields depending on the legal form.

(d) Contact section: this section of the registration format should include the information needed for contacting the persons responsible for operational and trading decisions:

- For each person responsible for updating the registration profile and for each person responsible for operational and trading decisions:

- Name of person;
- Title/function in the legal entity;
- Full address (including country and postal code);
- Personal identification code, e.g. fiscal code, national social security number, etc. (type and value);
- Telephone;
- E-mail.

(e) Relationships with third parties reporting on behalf of the market participant: in this section, the market participants indicate the third parties that are allowed to report transactions on their behalf:

- For each third party allowed to report transactions on behalf of the market participant (i.e. trading venues):
 - Code that uniquely identifies the third party.

(f) System section: this section of the registration format contains information automatically generated by the IT-system and is therefore needed only in case of NRA systems outside of the Agency IT-system:

- Code that uniquely identifies the market participant (*note that this might be independent of the standardised identifier used to report transactions, see Section 6*);
- Status of the market participant's registration procedure (*for instance: application submitted, application rejected, application process completed, de-activated, etc.*).

For the sake of simplicity, in the above list, the date fields necessary to ensure the full chronology of updates are not shown; see Section 4.2.

3.2 Corporate relations among registered market participants

Some market participants operate in different markets or carry-out different activities relevant to REMIT through different legal entities.

According to Article 2(12) and 2(13) of REMIT, relations between market participants are to be identified using the concepts of “parent undertaking” and “related undertaking”, within the meaning of Articles 1, 2 and 12(1) of the Seventh Council Directive 83/349/EEC of 13 June 1983.

According to Article 12(1) of the Seventh Council Directive 83/349/EEC of 13 June 1983, two undertakings are “related undertakings” if there is a unitary direction: this means that the proposed approach should catch intra-group relationships between two or more market participants, even when they are linked to each other only through a common parent undertaking

not being a market participant itself. Such links among the registered operators must be recorded and updated in the European register.

The Agency believes that, for the purpose of REMIT, it is sufficient to require market participants to state the nature of any corporate relationship with other market participants already registered, selecting among the types listed in Directive 83/349/EEC. When a new market participant registers, the IT-system will notify the relevant NRAs and the market participants already registered and identified by the new registrant as related or parent undertakings, of the relationship declared by the new registrant, in order to have their confirmation.

3.3 Consultation issues

1. Is the registration format proposed in Section 2.1 sufficient for the purposes of market monitoring?
2. Which further information field are needed for identifying the ultimate controller or beneficiary?²

² It is to be avoided the risk of imposing excessive burden for market participants in the registration process. Taking also into consideration the OECD recommendations for upfront disclosure mechanisms [3], further information must be collected for:

- *Corporations*, when a non publicly-traded corporation holds shares in a corporate entity, or when shares in the corporation are held by a trust or by a partnership, or in other few special cases;
- *Trusts*: in this case it is necessary to collect the identity of:
 - i. Individuals who furnish funds in the trust;
 - ii. The trust beneficiaries and the trustee;
 - iii. The persons who control the trust and make the investment decision.
- *Partnerships*: in this case it is necessary to collect the identity of:
 - i. The general partner as well as the limited partners;
 - ii. If a corporate entity is general or limited partner of a partnership, the ultimate beneficiary of the corporate entities.
- *Foundation*: in this case it is necessary to collect the identity of:
 - i. The designated beneficiaries of the foundation;
 - ii. The persons who are in control of the foundation and who are responsible for the allocation of its resources.

4 REMIT registration process and its update

This section is aimed at designing the high-level requirements for the registration process and its updating.

4.1 Registration process

For a new market participant (i.e. a market participant who has not yet registered, or submitted an application for registration, with any NRA), the registration process could involve the following steps:

- (a) The market participant submits its application for registration to the relevant NRA and provides the NRA with the data required in the registration format and, if the NRA so requires, a complementary set of country-relevant information or supporting documentation; it is the market participant's responsibility to provide correct and complete information for the registration;
- (b) The NRA performs (at least high-level) checks on the application, depending on national rules;
- (c) After completing the checks, the NRA passes the information required by the registration format for the European register (see Section 3.1, above) to the IT-system operated by the Agency;
- (d) The Agency's IT system will capture all registration information and issue an acknowledgement back to the requesting NRA. The acknowledgement will include the system identifier generated by the IT-system operated by the Agency (see Section 6.1);
- (e) The NRA will complete the registration procedure and will inform the market participant accordingly;
- (f) At the end of the procedure, the registration is simultaneously available in both the relevant national register and the European register.

In order to synchronise as soon as possible the national registers with the European register, after each new registration is completed, the IT-system operated by the Agency will be designed for an on-line update. The Agency will agree with the NRAs deploying their own IT systems the mode of interaction with the IT-system operated by the Agency, including the frequency of the updates.

As market participants will not be allowed to trade until they are registered, it is deemed essential that the registration process is completed in a timely manner, in order not to represent a barrier to trade in the internal energy market.

For the phase of initially populating the registers, the process described above can be simplified for instance by recovering existing information already available to NRAs, at least in some countries, that might be used for pre-populating the registers, subject in any case to the confirmation of market participants and eventually of NRAs.

4.2 Updates to the registration and de-activation

It is important to recognise that registration is not a one-off event, but rather an ongoing requirement. In fact, market participants not only have to register with a NRA before they can trade, but also have to update their registration profile in case of “*any change which has taken place as regards the information provided in the registration form*” (Article 9(5) of REMIT).

The updating process therefore happens when there is:

- a change in the basic information of the market participants recorded in the registration format, including any variation in the corporate structure (e.g. merger and acquisition);
- any change in the contact persons (i.e. persons responsible for operational and trading decisions); or
- any change in the third parties delegated by the market participants to report on its behalf.

It is important to underline that updates of the corporate structure relations will require a cross-check between different market participants and therefore the update process for market participant A could be activated not only by modifications of its own profile, but also as an effect of a registration (or update) of another (new) market participant B with corporate relations with market participant A (e.g. a parent undertaking’s modification triggers the modifications of related undertakings and *vice versa*).

As indicated in Section 2.3, it is necessary, for the purpose of effectively monitoring under REMIT, to ensure full tracking of all changes of registration information and in particular ensure the possibility for the Agency or for NRAs to reconstruct the market participant’s registration profile at any given time in the past even if, in the meanwhile, some variations have occurred in its profile (including the corporate structure).

In case of market participants that exit from the market, their unique identifier will be de-activated, but not cancelled in order to avoid any risk for it to be reused.

4.3 Consultation issues

3. Do you agree with the proposed processes for registration and updating? Are there suggestions for further simplifying the process and the associated information flows in particular for the initial populating phase of the registers?
4. What do you consider as an adequate response period for completing the registration/updating process? Once the NRA has performed any check on the documentation required by national rules or if no additional documentation is required by such rules, should the process be completed in real or close-to-real time?

5 Publication of the information recorded in the European register (or part of it)

According to Article 9(3), last subparagraph, of REMIT, *“the Agency may decide to make the European register, or extracts thereof, publicly available provided that commercially sensitive information on individual market participants is not disclosed”*.

This Section is aimed at illustrating the initial considerations by the Agency on the publication of the European register. In this Section the term “publication” refers to making the information available in the public domain.

The Agency believes that the publication of the European register (or part of it) is crucial, as it enables organised markets, brokers and other categories defined in Article 8(4) to verify if the market participant is registered and can therefore be admitted to trading. It should however be emphasised that registration does not provide any guarantee on the market participant’s creditworthiness or trading behaviour.

5.1 Information fields of the European register to be published

The Agency intends to publish at least all information fields of the “basic information” section of the registration format.

The Agency believes that it is not necessary to publish:

- the information regarding the physical persons included in the “Contact persons” section of the registration format;
- the information regarding corporate relationships with parent and related undertakings included in the “Corporate structure information” section of the registration format;
- the information on the “ultimate controller of beneficiary of the market participant’s trading activities”.

It will be up to NRAs to decide on the publication of the information included in the “Country-relevant information” section.

5.2 Prompt publication of new registrations and updates

The Agency believes that the timeliness of the publication of both new registrations and updates is of paramount importance.

In any case, the liability for any inaccuracy of the information recorded in the register should stay with the market participants who are the providers of their own information.

5.3 Consultation issues

5. Do you agree with the Agency's proposals on publication of part of the European register? In particular, should additional information on market participants be made publicly available?
6. Do you agree that the timeliness of the publication of both new registrations and updates is of paramount importance?

6 Unique identifier for market participants

This Section contains some first considerations by the Agency on the issues of the “unique identifier” that, according to Article 9(2) of REMIT, shall be assigned to each market participant and that will be used for identifying parties in the transactions reported to the Agency.

The issue of “unique identifier” is crucial in the context of the record of transactions that will be defined only through the Implementing Acts, according to Article 8 of REMIT. The Agency will consider the inputs collected through this first consultation in order to make its recommendations to the European Commission. Such recommendations will be subject to a separate public consultation, pursuant to Article 7(3), second subparagraph, of REMIT.

6.1 Identification of market participants and other “data providers”

System design issues require a unique system identifier to be assigned to every subject that will have to provide data to the IT-system.

The IT-system operated by the Agency will therefore be designed in such a way to generate, during the registration process, a unique system identifier to:

- (a) Market participants;
- (b) Entities listed in Article 8(4) of REMIT, under points (b) to (f), who can provide transaction data (third parties acting on behalf of the market participant, trade reporting systems, organised markets, trade matching systems and other persons professionally arranging transactions, trade repositories or competent authorities or ESMA)³;
- (c) Providers of fundamental data, as foreseen by Article 8(5) of REMIT⁴.

This unique system identifier generated by the IT-system operated by the Agency can be used for internal purposes only or can be used as unique identifier for transaction reporting. The following sections describe possible options.

6.2 Existing codes

The Agency may consider using its own internal unique identifier to enable the identification of parties in the transactions executed on the market and reported to the Agency. However, it is recognised that a considerable amount of effort has already been devoted by participants, trade

³ The Agency intends to keep totally separated the registration of market participants from the registration of other entities acting as transaction and fundamental data providers and therefore involved in REMIT reporting functions, but different from market participants. The Agency believes that these other entities acting as “data providers” should also register with the Agency, in order to be uniquely identified as transaction and fundamental data providers, but not as part of the market participants’ registration process.

⁴ See footnote 3 above.

bodies and vendors, either at an international or national level, in producing various codes to meet the requirements of trading and post-trade activities.

Following an analysis of the existing arrangements, it is clear that currently there is no existing code that guarantees full coverage in all geographic areas in the European Union and beyond⁵ and in all segments of market participants, for example:

- EIC is widely used in Europe – but not in all EU Member States – in dealing with TSOs, mostly in the electricity sector (e.g. balancing contracts); it is also widely used in brokered trading, but not universally; a point of complexity is that in some European countries, several different EIC codes (party codes or X-codes) are assigned to the same market participant, however each EIC code corresponds to one and only one market participant;
- In some EU Member States a code different from EIC is used in dealing with TSOs (according to an existing inter-TSO agreement, each TSO shall define either 1) the use of the EIC, or 2) the use of GS1 code, or 3) the use of both the EIC and GS1 scheme, except where national agreements exist on the use of a national coding scheme [4]);
- BIC is used by financial regulators for the exchange of information on investment firms licensed under MiFID and is intended to be used under EMIR;
- LEI (Legal Entity Identifier) is still under development and is likely to be adopted in the future as world unique identifier, even though the timeline for full coverage is not yet defined;
- the VAT number has a full coverage throughout Europe (even though each Member State has its own structure for this code), but, at present, the VAT number is not adopted as unique identifier by most trading venues, as they use their own coding. Due to existence of “VAT-groups” in some Member States, it is questionable whether VAT number can be used as a unique identifier for the whole Europe.

6.3 Governance and operational high-level criteria

Governance issues must be considered in choosing the most appropriate unique identifier. In case an existing code issued by an “external code-issuer” is used for reporting purposes under REMIT, the following conditions, among others, needs to be satisfied:

- (a) the “external code-issuer” must be able to issue the code, at the market participant’s or at the Agency’s request, within a time consistent with the timing of the registration process;
- (b) the “external code-issuer” must commit to assure, as much as possible, the adoption of homogeneous procedures across the EU;
- (c) the “external code-issuer” must commit to issue the code at no or reasonable (and possibly regulated) cost to market participants and other entities and to allow its use indefinitely, free of charge (or any other barriers) to the Agency and NRAs;

⁵ Market participants shall register even if they are located outside the European Union.

- (d) the “external code-issuer” must commit not to condition the issuance of the code to any requirements further than those necessary for the market participant to be registered in the national and European registers;
- (e) the “external code-issuer” must commit to maintain the coding system indefinitely or, in case the “external code-issuer” decides to discontinue it, to transfer, free of any charge, to the Agency, or to a party designated by the Agency, all the rights, software, knowledge and information necessary to continue operating the coding system;
- (f) the “external code-issuer” must assure the interoperability of its IT-system with the IT-system operated by the Agency, as well as security, confidentiality and reliability of the process.

Further, any unique identifier that has to be used in millions of transactions shall fulfil the following operational criteria:

- be easy and fast to be generated (based on available information), and
- be fast and cheap to use (by computers in repetitive calculations).

6.4 Possible options

Three possible options have been identified in order to select the standard unique identifier to be used for transaction reporting.

- Option A. Adopt, extend and enlarge the geographic reach of a selected existing standard. In this case, governance issues, as highlighted in Section 6.3, have to be addressed; further, in case the selected standard were EIC, a solution for market participants who have more than one EIC – as it is now the case in some countries – needs to be incorporated in the system and in the registration format. In this option, market participants who have not currently adopted the chosen standard should apply to the relevant issuer before registering with their relevant NRA. In this option the system identifier generated by the IT-system operated by the Agency would be used only internally for database management.
- Option B. Identify a single (or multiple) existing code(s), extend where appropriate its (their) geographical reach and allow market participants who have not currently adopted (one of) the chosen standard(s) to use the code provided by the Agency. In this option, governance and operational issues have to be addressed as in Option A, but the system identifier generated by the IT-system operated by the Agency would be used not only internally but also externally for transaction reporting, at least for some market participants.
- Option C. Adopt the system identifier generated by the IT-system operated by the Agency as unique identifier to be used by all participants for data transmission to the Agency *and* provide interoperability services in order to allow such a new code to operate alongside all existing codes. For instance, the IT-system operated by the Agency

could provide on-line services for mapping the correspondence between the new identifier issued by the Agency and each of the existing codes recorded in the registration format. In this option, no governance issue has to be addressed and operational issues will depend upon the choices of the Agency in designing the new identifier.

Under Option C, the Agency could design its unique system identifier - for market participants, other entities listed in Article 8(4) of REMIT and providers of fundamental data (see Section 6.1) - as a numerical, progressive code (non-significant in any way), with a fixed length, prefixed by a letter in order to separate market participants from other “transaction and fundamental data providers” related to REMIT, and suffixed with a two-letter Member State code, in order to easily recognise the EU Member State where the registration has taken place. In this way, the “naked” numeric code is already unique at the European level, and both the prefix and the suffix are just meant to easily identify either the type of company or the NRA to which the market participant applied for registration. The prefix and the suffix can therefore also act as (additional) control characters.

The scope for the use of the unique identifier will depend on the implementation cost of alternative solutions and on the characteristics of the data collection system already deployed in the financial and commodity markets, with which the IT-system operated by the Agency will interact. Under this respect, the Agency intends to widely consult market participants, as well as entities that act as fundamental and trading data providers, before formulating its recommendations to the European Commission on the record of transactions. All interested parties are invited, already in the public consultation of this document, to submit quantitative data that can be used for a cost/benefit assessment of the proposed options.

6.5 Consultation issues

7. Given governance and operational requirements as outlined in this section, which of the three options listed in Section 6.4, if any, would you consider to be the most appropriate? Which one would minimise the overall implementation costs? Which existing code would be the preferred one in case Option A is selected? What are your views on the proposed format for a new code under Option C?
8. Are there alternative options that could complement the three ones listed in Section 6.4, while satisfying the governance and operational criteria listed in Section 6.3?
9. Is there any existing code which fits the informational and governance standards required?
10. Are there any other comments you would like to raise in conjunction with this public consultation on the REMIT registration format?

Annex – List of consultation issues

1. Is the registration format proposed in Section 2.1 sufficient for the purposes of market monitoring?
2. Which further information field are needed for identifying the ultimate controller or beneficiary?
3. Do you agree with the proposed processes for registration and updating? Are there suggestions for further simplifying the process and the associated information flows in particular for the initial populating phase of the registers?
4. What do you consider as an adequate response period for completing the registration/updating process? Once the NRA has performed any check on the documentation required by national rules or if no additional documentation is required by such rules, should the process be completed in real or close-to-real time?
5. Do you agree with the Agency's proposals on publication of part of the European register? In particular, should additional information on market participants be made publicly available?
6. Do you agree that the timeliness of the publication of both new registrations and updates is of paramount importance?
7. Given governance and operational requirements as outlined in this section, which of the three options listed in Section 6.4, if any, would you consider to be the most appropriate? Which one would minimise the overall implementation costs? Which existing code would be the preferred one in case Option A is selected? What are your views on the proposed format for a new code under Option C?
8. Are there alternative options that could complement the three ones listed in Section 6.4, while satisfying the governance and operational criteria listed in Section 6.3?
9. Is there any existing code which fits the informational and governance standards required?
10. Are there any other comments you would like to raise in conjunction with this public consultation on the REMIT registration format?