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Rudolfsplatz 13a  
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Brussels, 30 October 2014

**Subject: Proposal for the establishment of market monitoring regime at national level**

Dear Ladies and Gentlemen,

I'm addressing you in the name of CEDEC, the European Federation of Local Energy Companies. CEDEC represents the interests of more than 1500 local and regional energy companies from ten European countries on European level, among them also more than 30 Austrian companies. These companies have developed activities along the entire energy value chain and therefore are also affected by European legislation, such as the Regulation on wholesale Energy Market Integrity and Transparency (*REMIT*).

CEDEC members are therefore deeply concerned about your proposal to establish an additional market monitoring regime at national level besides REMIT.

Such national regulation on transaction reporting conflicts with the European-wide market monitoring solution, which REMIT and its Implementing Acts are targeting. On the one hand, a parallel reporting of identical wholesale energy data at a national level disrupts the basic intention of Implementing Acts, as such acts are adopted when a uniform European-wide enforcement of Union law is required. On the other hand, your draft leads to double reporting requirements for market participants, which is not in line with the clear measure in Art.8 Ciph. 3 REMIT, "*that persons who have reported transactions ...shall not be subject to double reporting obligations relating to those transactions*".

Already Recital 19 of REMIT makes clear that reporting obligations should be kept to a minimum and not create unnecessary costs or administrative burdens for market participants. For this reason double reporting should be avoided and previously established reporting obligations should be respected.

Furthermore, different definitions lead to various reporting obligations on transactions and would increase the regulatory burden of the companies intensively.

The scope of your draft is very broad as it encompasses every transaction with an impact in the Austrian wholesale energy market. This may lead to negative consequences on the Austrian business

area. The lack of clarity in relation to the reporting obligation will discourage European trading partners to enter into business relationships with Austrian market participants.

In so far as your draft aims to include trading activities of market partners from other European countries we doubt that this will be enforceable in a legally binding way. Conversely, if only one counterparty reports a transaction, the quality of the reporting is not as solid as it is on the European level with both counterparties reporting and an additional matching mechanism.

In sum, in our opinion the national regulation will create double reporting requirements which lead to additional costs and administrative burden and unforeseeable consequences for the Austrian energy market.

We therefore plead to further involve Austrian and concerned European stakeholders to discuss the details and consequences of your proposal with them and reconsider your proposal accordingly.

I remain at your disposal for any question or clarification.

With kind regards,

A handwritten signature in black ink, appearing to be 'Gert De Block', with a stylized flourish at the end.

Gert De Block

CEDEC Secretary General