

ACER and 3 regulatory authorities reinforce coordination on energy market abuse

High prices and high volatility on the wholesale energy markets has led the EU Agency for the Cooperation of Energy Regulators (ACER) and National Regulatory Authorities (NRAs) to reinforce their scrutiny (under REMIT) to detect and sanction possible instances of market abuse.

REMIT is the EU-wide framework for detecting market abuse established under the Regulation on Wholesale Energy Market Integrity and Transparency (EU No 1227/2011).

In the current crisis and exceptional market circumstances (characterised by scarce electricity and gas supplies, unprecedentedly high prices and price volatility), vigilance in detecting market manipulation and insider trading is more important than ever to ensure confidence in the integrity of the EU wholesale energy markets.

Formation of a cross-border investigatory group

ACER and the NRAs across Europe are actively analysing the behaviour of market participants, including non-EU companies, on the wholesale energy markets to:

- detect market manipulation that may have contributed to the current market situation and manipulative behaviours that may have emerged since the beginning of the energy crisis (due to the high price volatility);
- identify potential situations of inaccurate or misleading information provided to the market and/or insider trading.

ACER and the energy regulatory authorities of Austria, Germany and the Netherlands have established a cross-border investigatory group on the oversight of the gas markets. The aim of a cross-border investigatory group is to coordinate and strengthen the efforts on fact-finding and evidence gathering. The investigatory group will be closed when sufficient evidence is gathered to pursue a case or if NRAs conclude on the absence of a REMIT breach.

Neither ACER nor the NRAs are in a position to further comment on specific ongoing investigations, which can span over several years.

Background on role of ACER and NRAs under REMIT:

ACER's activities

Under the REMIT framework, ACER is mandated to carry out data collection and the monitoring of wholesale energy markets at a Union-wide level. Further, ACER issues guidance and coordinates the activities of the NRAs to ensure a coherent application of REMIT and an effective approach to tackling market abuse.

What is the role of the NRAs under REMIT?

ACER has no direct role in investigation and enforcement. NRAs investigate potential insider trading and market manipulation cases and enforce REMIT through a range of remedies and sanctions determined by the national law of the respective Member States.

The REMIT breach sanction decisions so far adopted by NRAs are available on ACER's website: <https://www.acer.europa.eu/remit/coordination-on-cases/enforcement-decisions>