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| **Company/Participant** | **REMIT Reporting Requirements Feedback** | **SEMO Response** |
| 1. Bord Gáis 15/06/2015   (Before Mods meeting 62) | 1. BGE accepts the approach of modifying the T&SC instead of a bilateral agreement for establishing reporting channels for organised market places. BGE would however welcome further information on the “simplified request” procedure that SEMO will require each market participant to complete if it wishes SEMO to report data on its behalf. | The following forms: ‘Request to Report’ and ‘Notice to Cease Reporting’ will be made available on the SEMO website. These forms will act as the formal written notification to SEMO to act or cease acting as a Registered Reporting Mechanism (RRM) on behalf of the relevant Market Participant for the purposes of REMIT reporting. These forms are required for compliance purposes and will be included in the ‘Unit Registration Pack’ for new Participants and ‘Unit Type Change Request’ for existing ones.. |
| 1. BGE is not however in agreement with the proposed limitation of liability as outlined in the Mod. In BGE’s view SEMO should be fully liable for any reported data errors or omissions at least until such time that a market participant is able to validate the correctness etc. of its own data either pre or post its submission. The only exception for this may be for market participant identification information and codes that are outside of its control, unless SEMO has received the correct information and codes from the market participant but actually reported it incorrectly. Support for the above view is in BGE’s opinion provided for in the REMIT Implementing Acts. Under Article 11 thereof, in instances where the market participant is reporting through a third party such as an organised market place, the market participant’s obligation is solely to “take reasonable steps to verify the completeness, accuracy and timeliness of the data which they submit through third parties” (Article 11(1)). Without an ability to pre or post validate the information SEMO will report on its behalf, a market participant will be inhibited from carrying out such reasonable steps. Importantly, where that market participant is submitting data through a third party, the market participant “shall not be responsible for failures in the completeness, accuracy or timely submission of the data which are attributable to the third party. In those cases the third party shall be responsible for those failures.” Furthermore, Recital 10 of the REMIT Implementing Acts states that “the reporting parties should comply with basic requirements in relation to their ability to authenticate data sources, check data for correctness and completeness and to ensure business continuity”. ACER will assess reporting parties compliance with these requirements but “ensure a proportionate treatment of professional third parties handling market participants' data and market participants reporting their own data”. The above provisions in our view clarify that ACER believes a level of responsibility for the completeness, accuracy and timeliness of data is attributable to the organised market place as a third party reporter. This level of responsibility must remain with SEMO at least until market participants are in a position to validate their submitted data. | MOD\_06\_15 v1 contained a draft position on liability. Although this initial proposal was limited to the data submitted from Participants to the Market, in line with the existing provisions in paragraph 3.34 of the T&SC, all party’s liabilities are detailed in Article 11.2 of the Commission Implementing Regulation (EU) 1348/2014.  New paragraphs 3.95 to 3.98 have now been expanded in MOD\_06\_15 v2 in order to capture the liability requirements of Article 11.2. |
| 1. Power NI 22/06/2015 | After the discussion that took place at the Modifications Meeting I feel that further discussions are required on this modification. My preferred method would be a working group/workshop. | SEMO is looking into ways to facilitate this and would propose the following approach:   * SEMO is continuing to pursue the approach of a modification to the Trading and Settlement Code (T&SC), further details below in response to question 4) d); * MOD\_06\_15 v2 will be circulated on the 24th July 2015 for a two week review period in which we will invite further comments; * A conference call will be arranged following the review period to discuss comments received. The proposed date for this is Tuesday 11th August 2015; * An extended discussion will be facilitated at the next Modifications meeting on the 13th August 2015. An **invite will be issued to wider distribution list of the** REMIT project who may attend as observers. Please note that discussions in this forum will be limited to the Modification and not the solution design currently under test.   Due to the tight timelines for implementing this change, it is necessary to progress this in a timely manner to ensure all legal considerations are addressed to enable reporting from the 7th October 2015. |
| 1. Power NI 29/06/2015 | 1. Please see comments from Power NI below:  * Power NI supports the approach to include the REMIT provisions within the T&SC as opposed to bilateral arrangements. | SEMO is progressing with MOD\_06\_15 v2, please refer to response to question 2). |
| 1. The drafting of the MOD should make it clear that SEMO’s obligations sit only with reporting of SEM data under REMIT and not other reporting obligations participants might have 2. Power NI does not agree with the limitation of liability provisions. SEMO as an RRM (or proxy for) should be liable for what is reported, especially given the lack of transparency it appears participants will have | Please refer to response to question 1) b) |
| 1. ESB 26/06/2015 | 1. Two issues for consideration are: 2. Provision of confirmation / receipt by SEMO to participants that data has been sent 3. Access by participants to the information that has been provided to ACER by SEMO | 1. Receipts from ACER will be based on file submissions; as SEMO will be sending data for all Participants who have requested this service in one submission, only one receipt will be received for all data submitted. Liability for the timely transfer of the data rests with SEMO and this is reflected in MOD\_06\_15 v2. 2. This is still under discussion at ACER and a process is expected to be put forward in due course. Once SEMO has visibility of this we will communicate it.   For completeness and for further details, please refer to [**SEM REMIT Reporting Workshop Q&A** as published on the SEMO website on the 26th June 2015.](http://semopub/Publications/General/SEM%20REMIT%20Reporting%20Workshop%20QA.docx) |
| 1. The technical detail of the reporting may require inclusion in an Agreed Procedure to the Code. | The design of the solution is not in scope for Agreed Procedures (AP); however, some aspects have been included in APs and will form part of MOD\_06\_15 v2, for example in relation to data security leveraged by the CMS.  The technical details are included in the Transaction Reporting User Manual (TRUM) which can be found on the ACER REMIT portal, please click here for further details [**ACER REMIT Portal**](https://www.acer-remit.eu/portal/home)**.**  SEMO has based the design solution on the TRUM document and it does not believe it is necessary to duplicate details of an external obligation into the Code. To include these details in the T&SC may require further modifications should this document be updated in the future. |
| 1. The modification will also need to consider SEMO obligations in relation to the REMIT reporting undertaken.  The review being carried out by SEMO should consider: 2. The performance obligations, technical capability of IT systems etc.  Market participants will want some assurances regarding the sufficiency and robustness of SEMO’s systems. 3. Protections: Data protection, confidentiality etc.  Market participant will need to have confidence that SEMO’s reporting system are robust from a security point of view.  Current provisions may not be appropriate given this new service that SEMO will be providing. 4. Limitation of Liability: Current provision in the Code may not be appropriate since they relate to physical damage only. The current provisions will need to be reviewed to ensure they are suitable for the new function SEMO will be carrying out. | 1. SEMO will be using the Central Market Systems (CMS) to carry out REMIT reporting so capability of these including robustness will be leveraged from well proven, accepted infrastructure. 2. SEMO will be using the CMS for storage of data. These are subjected to annual audit and security assessments in the context of our obligations under the T&SC. For the avoidance of doubt, SEMO is not putting in place new systems to cover REMIT. 3. Please refer to response to question 1) b). |
| 1. ESB GWM considers that a further industry workshop will be required in order to drive out the best solution.  In the mean time ESB GWM will continue to engage with SEMO bilaterally. | Based on the responses received, SEMO has considered a number of solutions to address legal considerations posed by REMIT reporting requirements. The majority of responses received favour a Modification to the T&SC and SEMO also believes this to be the correct approach for the following reasons:     * All SEM Market Participants are already acceded to the T&SC and thereby accepted the current provisions. * The specific changes required are to differentiate between Market Participants liability for data submitted to SEMO (section 3.34) and SEMO’s liability as an OMP and RRM to map, transfer and backup CMS data going to ACER for REMIT purposes. * To amend the current provisions in the T&SC will ensure that already agreed provisions for data security, confidentiality, data provision (3.34 for example) will be applied and will only be amended where necessary to incorporate REMIT transactions. * In turn this should fit with the SEMO’s approach to offering a least cost minimum impact solution for REMIT reporting * Incorporating these changes into the T&SC will ensure consideration for I-SEM. |
| 1. On a separate but related matter, ESB GWM considers that there may be merit in the establishment of a centralised platform for the publication of all outage information.  A centralised platform will allow for the timely and effective publication of such information in line with REMIT requirements.  ESB GWM understands that Elexon developed such a tool for the BETTA market, and that this development was brought about via a modification to the equivalent T&SC in BETTA.  Have SEMO considered such a platform for SEM? | As part of the SEM REMIT scope for transaction reporting we can confirm that there are no plans for SEMO to introduce a centralised platform to publish outages as this data is not used in the CMS.  As outages fall under the fundamental data category this query has been passed to the TSO and I-SEM for consideration and will need to be driven by the interested party in that context if it is to be progressed any further. |
| 1. Bord Gáis 30/06/2015   (After Mods meeting 62) | 1. Further to the most recent Mods Committee and the request for feedback on the REMIT Mod, BGE’s comments remains as circulated to you on the 15th June. Regarding the best way to progress this, it is our view that a working group is the best way to progress this in light of the October deadline. | Please refer to response to question 2). |
| 1. To recap, **BGE’s view on Mod\_06\_15 REMIT Modification Proposal** is:   BGE accepts the approach of modifying the T&SC instead of a bilateral agreement for establishing reporting channels for organised market places. We would however welcome further discussion on the “simplified request” procedure that SEMO will require each market participant to complete if it wishes SEMO to report data on its behalf. | Please refer to response to question 1) a). |
| 1. BGE is not in agreement with the proposed limitation of liability as outlined in the Mod. In BGE’s view SEMO should be fully liable for any reported data errors or omissions at least until such time that a market participant is able to validate the correctness etc. of its own data either pre or post its submission. The only exception for this may be for market participant identification information and codes that are outside of its control, unless SEMO has received the correct information and codes from the market participant but actually reported it incorrectly. Support for the above view is in BGE’s opinion provided for in the REMIT Implementing Acts. Under Article 11 thereof, in instances where the market participant is reporting through a third party such as an organised market place, the market participant’s obligation is solely to “take reasonable steps to verify the completeness, accuracy and timeliness of the data which they submit through third parties” (Article 11(1)). Without an ability to pre or post validate the information SEMO will report on its behalf, a market participant will be inhibited from carrying out such reasonable steps.  Importantly, where that market participant is submitting data through a third party, the market participant “shall not be responsible for failures in the completeness, accuracy or timely submission of the data which are attributable to the third party. In those cases the third party shall be responsible for those failures.” Furthermore, Recital 10 of the REMIT Implementing Acts states that “the reporting parties should comply with basic requirements in relation to their ability to authenticate data sources, check data for correctness and completeness and to ensure business continuity”. ACER will assess reporting parties compliance with these requirements but “ensure a proportionate treatment of professional third parties handling market participants' data and market participants reporting their own data”. The above provisions in our view clarify that ACER believes a level of responsibility for the completeness, accuracy and timeliness of data is attributable to the organised market place as a third party reporter. This level of responsibility must remain with SEMO at least until market participants are in a position to validate their submitted data. | Please refer to response to question 1) b). |