



Criminal sanctions for REMIT breaches - update based on the amendment to the Energy Law Act in 2022

Warsaw, December 2022

Criminal sanctions for REMIT breaches under the Energy Law Act

TYPE OF BREACH (Article 57a-57b(1) of the Energy Law)	CRIMINAL SANCTION FOR COMMITTED OFFENCE
Market manipulation	<ul style="list-style-type: none">▪ a fine of up to 5,000 daily rates, or▪ penalty of deprivation of liberty from 1 year to 5 years, or to both these penalties jointly
Engaging in collusion with another person for the purpose of market manipulation	<ul style="list-style-type: none">▪ a fine of up to 2,500 daily rates
Using inside information to acquire or dispose of (or attempt to) energy products (...)	<ul style="list-style-type: none">▪ a fine of up to 5,000 daily rates, or▪ penalty of deprivation of liberty from 1 year to 5 years, or to both these penalties jointly

Criminal sanctions for REMIT breaches under the Energy Law Act

TYPE OF BREACH (Article 57b(2) of the Energy Law)	CRIMINAL SANCTION FOR COMMITTED OFFENCE
Using inside information by members of administrative bodies, management boards, supervisory boards and employees with access to such information	<ul style="list-style-type: none">▪ a fine of up to 5,000 daily rates, or▪ penalty of deprivation of liberty from 2 years to 12 years or to both these penalties jointly
Disclosure of inside information to any other person	<ul style="list-style-type: none">▪ a fine of up to 2,500 daily rates, or▪ penalty of deprivation of liberty from 3 months to 5 years
Recommending or inducing another person, on the basis of inside information, to acquire or dispose of wholesale energy products	<ul style="list-style-type: none">▪ a fine of up to 2,500 daily rates, or▪ penalty of deprivation of liberty from 3 months to 5 years

Criminal sanctions for REMIT breaches under the Energy Law Act

TYPE OF BREACH (Article 57f of the Energy Law)	CRIMINAL SANCTION FOR COMMITTED OFFENCE
Failure of a PPAT to report to the President of the Energy Regulatory Office, despite the obligation under Article 15 of REMIT	<ul style="list-style-type: none">▪ fine▪ the penalty of restriction or deprivation of liberty from 3 months up to 5 years

An overview of decisions and sanctions of REMIT breaches (article 2 and 5) according to ACER data as of December 2022. The full list is available [here](#)

Type of REMIT Breach	NRA, Member State	Market Participant	Decision Date	Fine Amount	Status
Article 5	NERC (LT)	Uab Geros Dujos	03 January 2019	EUR 28,583	Final
Article 5	CRE (FR)	Vitol S.A.	05 October 2018	EUR 5,000,000	Final
Article 5	OFGEM (UK)	Engie Global Markets	05 September 2019	£ 2,128,236.00 (approx. EUR 2,393,427.80**)	Final
Article 5	OFGEM (UK)	Edf Energy (Thermal Generation) Limited	16 December 2020	£ 6,000,000 (approx. EUR 6.7 million**)*	Final
Article 5	CRE (FR)	Bp Gas Marketing Limited	19 December 2019	EUR 1,000,000	Final
Article 3	CRE (FR)	Engie Sa	19 May 2022	EUR 80,000	Final
Article 5	BNetzA (DE)	Uniper Global Commodities Se + Two Traders	20 February 2019	EUR 150,000 and fines of EUR 1,500 and EUR 2,000 for each trader.	Final
Article 5	ANRE (RO)	Met România Energy S.A	2019	400,000 RON (approx. 84,191 EUR)**	Final
Article 5	ANRE (RO)	Petosolar S.R.L.	2019	400,000 RON (approx. 84,191 EUR)**	Final
Article 5	ANRE (RO)	Aderro G.P. Energy S.R.L	2020	400,000 RON (approx. 83,295 EUR)**	Final
Article 5	ANRE (RO)	E.On Energie România S.A.	2020	500,000 RON	Under appeal

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Article 5	ANRE (RO)	E.On Gaz Furnizare S.A.	2020	500,000 RON (approx. 103,235 EUR)**	Under appeal
Article 5	ANRE (RO)	Nova Power & Gas S.R.L.	2020	400,000 RON (approx. 83,295 EUR)**	Final
Article 5	ANRE (RO)	Qmb Energ S.R.L.	2020	400,000 RON (approx. 83,295 EUR)**	Final
Article 5	ANRE (RO)	A Energy Ind S.R.L.	2021	800,000 RON (approx. 161,636 EUR)**	Final
Article 5	ANRE (RO)	Axpo Energy România S.A.	2021	400,000 RON (approx. 80,811 EUR)**	Final
Article 5	ANRE (RO)	Axpo Energy România S.A.	2021	400,000 RON (approx. 81,189 EUR)**	Final
Article 5	ANRE (RO)	E.On Energie România S.A.	2021	800,000 RON (approx. 161,740 EUR)**	Under appeal
Article 5	ANRE (RO)	Eft Furnizare S.R.L.	2021	400,000 RON (approx. 80,818 EUR)**	Final

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Article 5	ANRE (RO)	Electromagnetica S.A.	2021	400,000 RON (approx. 80,811 EUR)**	Final
Article 5	ANRE (RO)	Electromagnetica S.A.	2021	400,000 RON (approx. 81,189 EUR)**	Final
Article 5	ANRE (RO)	Ljg Green Source Energy Beta S.R.L.	2021	400,000 RON (approx. 80,870 EUR)**	Final
Article 5	ANRE (RO)	Ljg Green Source Energy Gamma S.R.L.	2021	400,000 RON (approx. 80,870 EUR)**	Final
Article 5	ANRE (RO)	Monsson Trading S.R.L.	2021	400,000 RON (approx. 80,811 EUR)**	Final
Article 5	ANRE (RO)	Next Energy Partners S.R.L.	2021	400,000 RON (approx. 80,820 EUR)**	Final
Article 5	ANRE (RO)	Transformer Energy Supply S.R.L.	2021	400,000 RON (approx. 81,392 EUR)**	Final

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Type of REMIT Breach	NRA, Member State	Market Participant	Decision Date	Fine Amount	Status
Article 5	ANRE (RO)	A Energy Ind S.R.L.	2022	EUR)** 340,294 RON (approx. 68,893 EUR)**	Under ap
Article 5	ANRE (RO)	Alive Capital S.R.L.	2022	400,000 RON (approx. 80,955 EUR)**	Final
Article 5	ANRE (RO)	Alive Capital S.R.L.	2022	800,000 RON (approx. 161,911 EUR)**	Final
Article 5	ANRE (RO)	Eft Furnizare S.R.L.	2022	400,000 RON (approx. 80,954 EUR)**	Final
Article 5	ANRE (RO)	Energiataverde.Ro Furnizare S.R.L. (Fostă Apuron Energy S.R.L.)	2022	400,000 RON (approx. 80,893 EUR)**	Final
Article 5	ANRE (RO)	Entrex Services S.R.L.	2022	400,000 RON (approx. 80,842 EUR)**	Final
Article 5	ANRE (RO)	Next Energy Partners S.R.L.	2022	200,000 RON (approx. 40,443 EUR)**	Final
Article 5	ANRE (RO)	Nova Power & Gas S.R.L.	2022	400,000 RON	Final

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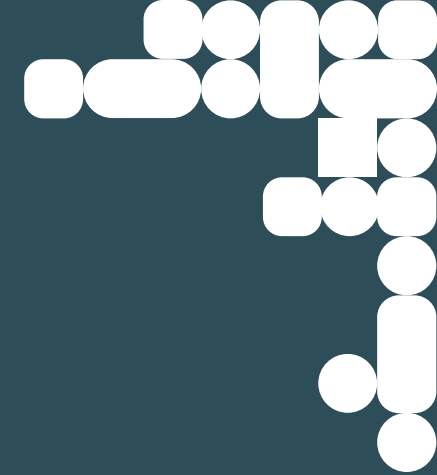
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Article 5	ANRE (RO)	Alive Capital S.R.L.	2022	400,000 RON (approx. 80,955 EUR)**	Final
Article 5	ANRE (RO)	Alive Capital S.R.L.	2022	800,000 RON (approx. 161,911 EUR)**	Final
Article 5	ANRE (RO)	Eft Furnizare S.R.L.	2022	400,000 RON (approx. 80,954 EUR)**	Final
Article 5	ANRE (RO)	Energiataverde.Ro Furnizare S.R.L. (Fostă Apuron Energy S.R.L.)	2022	400,000 RON (approx. 80,893 EUR)**	Final
Article 5	ANRE (RO)	Entrex Services S.R.L.	2022	400,000 RON (approx. 80,842 EUR)**	Final
Article 5	ANRE (RO)	Next Energy Partners S.R.L.	2022	200,000 RON (approx. 40,443 EUR)**	Final
Article 5	ANRE (RO)	Nova Power & Gas S.R.L.	2022	400,000 RON	Final

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Article 5	ANRE (RO)	Premier Energy Srl	2022	500,000 RON (approx. 101,073 EUR)**	Under appeal
Article 5	ANRE (RO)	Qmb Energ S.R.L.	2022	400,000 RON (approx. 80,977 EUR)**	Final
Article 5	ANRE (RO)	Tinmar Energy S.A.	2022	500,000 RON (approx. 101,073 EUR)**	Under appeal
Article 5	ANRE (RO)	Transformer Energy Supply S.R.L.	2022	400,000 RON (approx. 80,918 EUR)**	Final
Article 5	ANRE (RO)	We Power Team S.R.L.	2022	451,022 RON (approx. 91,272 EUR)**	Under appeal
Article 5	ANRE (RO)	Xpv S.A.	2022	800,000 RON (approx. 161,770 EUR)**	Final
Article 5	Prosecutor/DUR (DK)	Neas Energy A/S	21 December 2018	153,000 DKK (approx. EUR 20,400)*	Final

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Article 5	CNMC (ES)	Gasela Gmbh, Solstar Limited	23 June 2022	EUR 20,400)	Under appeal
Article 5	OFGEM (UK)	Esb Independent Generation Trading Limited And Carrington Power Limited	24 August 2021	£ 6,000,000 (approx. EUR 7 million**)*	Final
Article 5	CNMC (ES)	Iberdrola Generación S.A.U.	24 November 2015	EUR 25,000,000	Under appeal
Article 5	CRE (FR)	Edf Trading Limited	25 April 2022	EUR 50,000	Final
Article 5	CNMC (ES)	Rock Trading World S.A.	25 February 2021	EUR 60,000	Final
Article 5	OFGEM (UK)	Intergen (Uk) Ltd, Coryton Energy Company Ltd, Rocksavage Power Company Ltd, Spalding Energy Company Ltd	25 March 2020	£ 37,291,000 (approx. EUR 42.5 million**)*	Final
Article 5	CNMC (ES)	Galp Gas Natural, S.A.	28 November 2018	EUR 80,000	Final
Article 5	CNMC (ES)	Multienergía Verde, S.L.U.	28 November 2018	EUR 120,000	Under appeal
Article 5	Prosecutor/DUR (DK)	Energi Danmark A/S	30 October 2018	DKK 1,104,000 (approx. EUR 147,000)*	Final
Article 5	BNetzA (DE)	Energi Danmark A/S	30 September 2021	EUR 200,000	Final
Article 5	BNetzA (DE)	Optimax Energy Gmgh	30 September 2021	EUR 175,000	Under appeal
Article 5	MEKH (HU)	Valahia Gaz S.R.L.	December 2019	HUF 30,000,000 (approx. EUR 90,000)	Final
Article 5	MEKH (HU)	Mavir Magyar Villamosenergia-Ipari Átviteli Rendszerirányító Zártkörűen Működő Részvénytársaság	September 2019	HUF 1,000,000 (approx. EUR 3,000)	Final



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