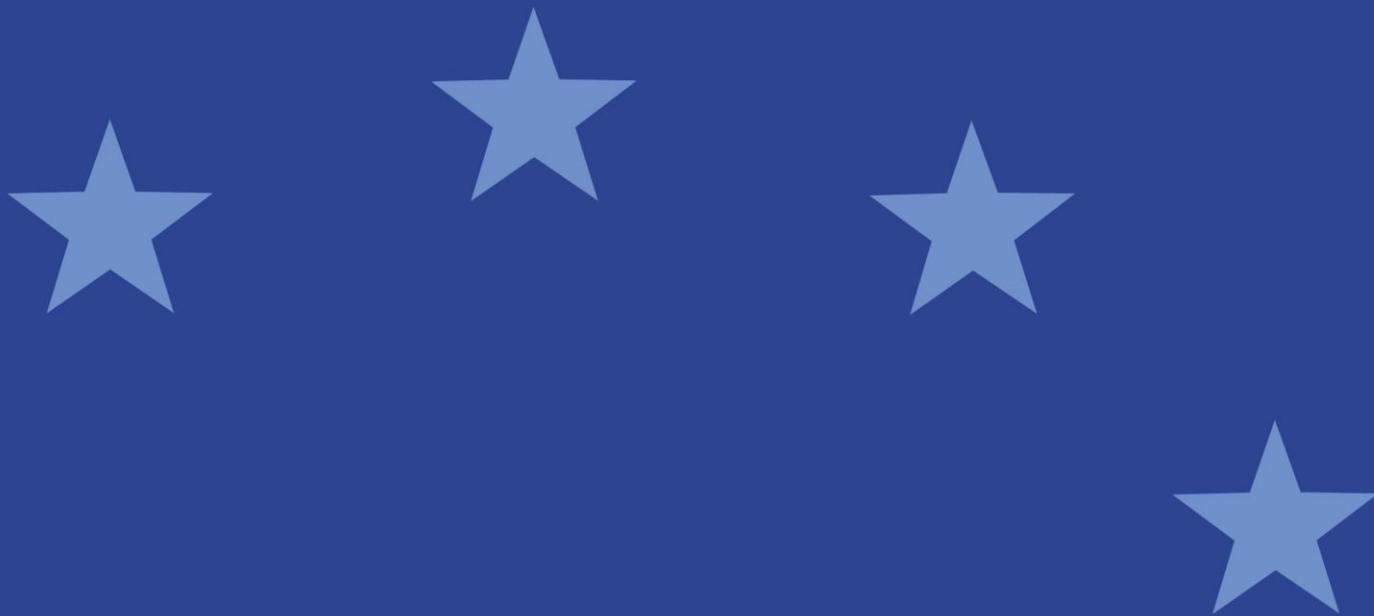




European Securities and
Markets Authority

**Reply form for the Consultation Paper
Draft RTS and ITS under SFTR and amendments to related
EMIR RTS**



30 September 2016

Responding to this paper

The European Securities and Markets Authority (ESMA) invites responses to the specific questions listed in Draft RTS and ITS under SFTR and amendments to related EMIR RTS, published on the ESMA website.

Instructions

Please note that, in order to facilitate the analysis of the large number of responses expected, you are requested to use this file to send your response to ESMA so as to allow us to process it properly. Therefore, ESMA will only be able to consider responses which follow the instructions described below:

- use this form and send your responses in Word format (pdf documents will not be considered except for annexes);
- do not remove the tags of type < ESMA_QUESTION_SFTR_1> - i.e. the response to one question has to be framed by the 2 tags corresponding to the question; and
- if you do not have a response to a question, do not delete it and leave the text “TYPE YOUR TEXT HERE” between the tags.

Responses are most helpful:

- if they respond to the question stated;
- contain a clear rationale, including on any related costs and benefits; and
- describe any alternatives that ESMA should consider

Naming protocol

In order to facilitate the handling of stakeholders responses please save your document using the following format:

ESMA_CP_SFTR_NAMEOFCOMPANY_NAMEOFDOCUMENT.

E.g. if the respondent were XXXX, the name of the reply form would be:

ESMA_CP_SFTR_XXXX_REPLYFORM or

ESMA_CP_SFTR_XXXX_ANNEX1

Deadline

Responses must reach us by **30 November 2016**.

All contributions should be submitted online at www.esma.europa.eu under the heading ‘Your input/Consultations’.



Publication of responses

All contributions received will be published following the end of the consultation period, unless otherwise requested. **Please clearly indicate by ticking the appropriate checkbox in the website submission form if you do not wish your contribution to be publicly disclosed. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure.** Note also that a confidential response may be requested from us in accordance with ESMA's rules on access to documents. We may consult you if we receive such a request. Any decision we make is reviewable by ESMA's Board of Appeal and the European Ombudsman.

Data protection

Information on data protection can be found at www.esma.europa.eu under the headings 'Legal notice' and 'Data protection'.



Introduction

Please make your introductory comments below, if any:

<ESMA_COMMENT_SFTR_1>

Deutsche Börse Group (DBG) welcomes the opportunity to contribute to the Consultation Paper regarding draft RTS and ITS under SFTR and amendments to related EMIR RTS. We appreciate the possibility to comment on the technical specifications drafted by ESMA and to support the Authority in its efforts to develop consistent implementing measures.

As an integrated provider of financial services, DBG entities cover a wide range of financial markets infrastructures: Trading Venues, Central Counterparties, Central Securities Depositories, Securities Settlement Systems and Regulatory Reporting Services including a registered Trade Repository and a Trade Data Monitor (TDM). Thus, we raise ESMA's attention to the fact that this response compiles and conveys the views of group entities which are affected by the Regulation along different parts of the value chain in securities financing transactions.

Before commenting on the questions in more detail, we would like to emphasize some key aspects in this Consultation Paper which we deem to be of particular relevance.

Settlement Fail Preventions to be excluded from SFTR

DBG understands that reporting of settlement fail preventions has not been exempt from SFTR reporting obligations and we would like to use the opportunity to again pledge for ESMA to revisit this issue. Some settlement institutions provide securities lending services exclusively in order to cover settlement failures, as such making markets more efficient and in order to avoid settlement risks. When an instruction does not settle under certain conditions, a short term loan can automatically be opened by the settlement system. Due to this process the instruction's settlement occurs on its requested settlement date. The borrower has some parameters to frame the activity, but does not have control of individual loans. If a settlement instruction fails and the system happens to find a lender(s) for the right security and amount of shortage, the loan will be automatically opened. Such a service is usually offered without a fee while it strongly supports market liquidity. DBG does not consider such services to fall under SFTR. Such a service is different to active trading by the borrower, in fact it is a passive liquidity service offered automatically by a third party, mostly intraday only. DBG does not consider these transactions to be of similar legal, or economic nature and as such would like to seek ESMA's review of the issue at hand.

Unless these fail preventions are not fully excluded from the SFTR reporting requirements we would at least suggest that ESMA considers a separate reporting concept which would be more proportionate at least. Under this concept only outstanding activities at the end of day would be reported. Reporting on collateral would be submitted at position level on a "pooled" basis similar to ESMA's proposal for margin lending. We stand ready for further discussion with ESMA on this topic.

Reporting deadlines as regards substitution of collateral

ESMA suggests that substitution of collateral has to be reported once a day at the end of day and before end of value date. However, the overall proposal leaves some important unanswered questions (e.g. as regards the expected reporting time **and cut-off**). In some instances, there may be a late reporting requirement of collateral information at the end of a processing day but potentially following the last batch run for the day. While batch runs usually differ across market / reporting participants within the reporting chain we assume that there may be different time stamps within the reports. We kindly ask ESMA to provide further clarification on this issue?

Securities Master Data

For Securities Master Data DBG has to reject the approach of providing additional reference data on top of the ISIN code. The receiving party can easily derive additional data to the respective ISIN code from its own security master data, **while** sending more than ISIN code could open additional license requirements for the submitter of the data. This should be avoided.



Identification of exempted counterparties

DBG would appreciate ESMA's clarification on how to identify exempted counterparties (e.g. Bundesrepublik Deutschland Finanzagentur GmbH), Supranationals or Central Banks. In this context we would like to raise one additional point to ESMA. Due to the fact that certain member states bodies or Union public bodies will not have to report their transactions in SFTRs, a perfectly stable counterparty book of principal intermediary lender may look unbalanced if not even critical when reported without any significant reason.

Time left to the market for implementing SFTR

One of DBG's main concerns centers around the time left to the market between the finalization of the regulation (including L3) and the final application of the regulation. The shorter the time span left to the market the higher the risks across the EU that affected parties will not be ready. It is of essence that EU Regulators take into consideration the rather long IT development processes which need clear and stable requirements upfront, especially in case of complex regulations. But not only IT will be affected. Processes in general will have to be adapted, changed or newly set-up across the market.

Harmonization across Regulations

A major concern arises as regards the interlinkage of SFTR and MiFID II and we would like to kindly ask ESMA to look at these links in a proportionate way. So far reporting of transactions exempted under SFTR (Central Banks, other) could end up to become reportable under MiFID II. We would strongly appreciate if ESMA could aim for a harmonized approach as regards reporting obligations across EMIR, SFTR and EMIR and MiFID II for the sake of proportionality.

<ESMA_COMMENT_SFTR_1>



Q1: Do you agree with the above proposals? What else needs to be considered? What are the potential costs and benefits of those? Please elaborate.

<ESMA_QUESTION_SFTR_1>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_1>

Q2: Do you agree with the above proposals? What else needs to be considered? What are the potential costs and benefits of those? Please elaborate.

<ESMA_QUESTION_SFTR_2>
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<ESMA_QUESTION_SFTR_2>

Q3: Do you agree with the above proposals? What else needs to be considered? What are the potential costs and benefits of those? Please elaborate.

<ESMA_QUESTION_SFTR_3>
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<ESMA_QUESTION_SFTR_3>

Q4: Do you consider that the currently used classification of counterparties is granular enough to provide information on the classification of the relevant counterparties? Alternatively, would the SNA be a proper way to classify them? Please elaborate.

<ESMA_QUESTION_SFTR_4>

In general, DBG acknowledges the proposal as outlined by ESMA and agrees, that the classifications as detailed in fields 4-6 of Counterparty data should suffice from a data analysis point of view.

Classification data

However, it should also be considered, that necessary classifications need be provided by each counterparty to the other counterparty to ensure consistent reporting, as in the case of third party providers this information might not be available for all potential counterparties involved or consistently classified across third party providers.

Additionally, there should be a regulatory requirement for NFCs to provide information on a regular basis whether it is to be considered as “SME NFC” as this determines whether on behalf reporting has to take place. In the same context we ask ESMA for further clarification on how to identify and classify government agencies (e.g. Bundesrepublik Deutschland Finanzagentur GmbH) or Union public bodies.

Open issues as regards use cases

DBG would like to ask ESMA for further guidance on the reporting obligations as regards paragraph 87, for the following cases:

- a) two small non-financial counterparties are counterparties to a SFT, and
- b) an EU-based branch of a small non-financial counterparty contracts with a non-EU entity.

Will any of those transactions require a reporting or will these transactions remain unreported?

Additionally, DBG would kindly ask for ESMA’s advise on how to report a transaction with an exempted counterparty (e.g. a Third-Country central bank outside EU) without a LEI.



Furthermore, in case a principal lender having an exempted central bank as counterparty (Scenario 3 item 159) will report only the trade with the other counterparty, resulting in a scenario where the end-to-end trade will be partially reported only. In this case the regulator will have only a partial view of the principal lender situation who typically has a balanced book between both sides, which however, will not be reflected in the reports. DBG would like to understand better, how ESMA would deal with such a situation? Would there finally be any impact on the principal lender?
<ESMA_QUESTION_SFTR_4>

Q5: Do you foresee issues in identifying the counterparties of an SFT trade following the above-mentioned definitions?

<ESMA_QUESTION_SFTR_5>

DBG would like to point out that a CCP does not necessarily have full transparency of all counterparties being involved in a SFT, e.g. down to the fund level, as it usually has the direct client relationship with the clearing member. However, this point has already been considered by ESMA in paragraph 212. Apart from this, please also consider our answer to question 4.

<ESMA_QUESTION_SFTR_5>

Q6: Are there cases for which these definitions leave room for interpretation? Please elaborate.

<ESMA_QUESTION_SFTR_6>

DBG in general agrees with the definitions provided by ESMA. However, for the sake of clarity and quality of SFTR reports, DBG suggests fine tuning of certain definitions provided by ESMA:

A "Broker" is defined by ESMA as "a party that acts as intermediary and on behalf of a customer". The description of the action may also apply to a Lending Agent/Agent Lender. However, ESMA has not included these entities in the definition. DBG would appreciate clarification on this issue.

In case a Lending Agent/Agent Lender will be included in the definition, DBG would appreciate to see guidance on how fields 14 and 17 of counterparty data will need to be filled in case an agent lender is involved, e.g. would both fields need to be filled with the LEI of the Agent Lender?

Furthermore, the definition of "Agent" should sensibly distinguish between "Tri-party" and "Lending Agents". Consequently, the refined definition should be applied to the trade scenarios provided by ESMA.

We like to point out that market participants also use a "Third Party Agent" to outsource collateral management activities. Third Party Agents in such a role (outsourcing party) are not considered as Tri-party Agents in the underlying transaction as they will only act on behalf of one of the counterparty while a Tri-party Agent in its natural role will act on behalf of both counterparties. Therefore, we see a strong necessity to clarify if the obligation to report the LEI of the outsourcer/insourcer of the collateral management related to the SFT only applies to Triparty Agents or also applies to Third Party Agents?

Furthermore, and with regards to paragraph 95 in the CP, an Agent Lender not only facilitates the conclusion of a transaction, but also may anonymise it. In some cases, the lender and the borrower remain undisclosed during the entire life cycle of the trade, even though the Agent Lender does not act on its own behalf and its own book. Please also see also our answer to question 19. <ESMA_QUESTION_SFTR_6>

Q7: Based on your experience, do you consider that the conditions detailed in paragraph 105 hold for CCP-cleared SFTs? Please elaborate.

<ESMA_QUESTION_SFTR_7>

ESMA may consider that for netting of SFTs CCPs may use different netting models. DBGs subsidiary Eurex Clearing is able to process netting separately for the front leg and the term leg of a transaction. Hence,



Eurex Clearing wouldn't create a new UTI. The residual out of the netting would be a part of the original transactions.

We kindly ask ESMA to take these market practices into consideration.
<ESMA_QUESTION_SFTR_7>

Q8: In the case of CCP-cleared SFT trades, is it always possible to assign and report collateral valuation and margin to separately concluded SFTs? If not, would this impair the possibility for the counterparties to comply with the reporting obligation under Article 4 SFTR? Please provide concrete examples.

<ESMA_QUESTION_SFTR_8>

DBG wants to highlight, that from CCP perspective the book-keeping method, i.e. trade-level vs. position-level reporting has no effect on the margin concluded for separately traded SFTs. An assignment of margin or collateral to dedicated SFTs is due to the efficient margining methodologies of CCPs (cross and portfolio margining, also including e.g. derivatives) usually not possible. Hence, counterparties won't be able to provide such a reporting under SFTR. Please also consider our answer to question 45. Furthermore, DBG kindly asks ESMA to consider potential issues with regard to margin calculation methodology as outlined within EMIR Q&A's from 26th July (ESMA/2016/1176).

<ESMA_QUESTION_SFTR_8>

Q9: Would the suggested data elements allow for accurate reporting at individual SFT level and CCP-cleared position level? in line with approach described above?

<ESMA_QUESTION_SFTR_9>

DBG would like to suggest moving field 94 from "Table on Loan and Collateral data" to the "Table Trade / Loan" Section as the field information can only be sourced at the trading level and it is not visible on the collateral level. Please consider additionally our response to Q7 in this context.

<ESMA_QUESTION_SFTR_9>

Q10: If so, are there any specific issues that need to be taken into account to adapt the EMIR approach to the SFT reporting?

<ESMA_QUESTION_SFTR_10>

DBG strongly promotes an efficient alignment of reporting requirements, and we see further room for a closer alignment. According to EMIR Q+A TR 17 e.g., a transaction needs to be reported first and then cancelled before a correction may be reported. Finfrag on the other side seems to offer a more efficient reporting process by offering a special action type. This action type allows to report transactions only once without any cancellation necessary, if these transactions envisaged to be consolidated into a position on the same day. SFTR should ideally take the same efficient approach.

<ESMA_QUESTION_SFTR_10>

Q11: Do you agree with the proposed report types and action types? Do you agree with the proposed combinations between action types and report types? What other aspects need to be considered? Please elaborate.

<ESMA_QUESTION_SFTR_11>

The distinction between "Modification of business terms" and "Other modification" does not seem to be efficient. For example, as collateral allocations and/or prices are expected to change on a daily basis, in case modifications to the loan and the collateral section are done on the same day, one modification type would be less error-prone. We currently interpret this scenario in a way where we would have to report this



twice: first with the action type "Modification of business terms" due to the change of loan terms and a second time with "Other Modification" due to the change of the collateral allocation/value, which would basically mirror the information of the first record. We therefore kindly ask ESMA to also clarify how multiple modifications of the same field in the same day should be reported, in case two separate modification types are required.

Furthermore, DBG would strongly appreciate if ESMA could further clarify the independent reporting of "re-use information". According to DBG understanding Loan/Collateral Data and Counterparty Data form a compulsory report set that needs to be reported with each SFT, while Re-Use Report and Margin Reports are, however, independent from the transaction based set and are entity-specific. Based on this logic, DBG misses an explicit scenario (in paragraph 122 and 123) of a "collateral re-use" which is terminated early. Otherwise we currently understand that in case of an early termination of all associated SFT the re-use/margin report must be filled in with action type "Other modifications" and the respective fields (field 7 and 9 in Margin Data Table and 6 and 7 in "re-use data table") to be reported with a value "0" only on the day of termination. Or does this imply that in ESMA's view only the collateral taker - and only in case of an existing "re-use" - has a reporting obligation?

<ESMA_QUESTION_SFTR_11>

Q12: The modifications of which data elements should be reported under action type "Modification of business terms"? Please justify your proposals.

<ESMA_QUESTION_SFTR_12>

Please refer to our answer of Q11. Furthermore, the differentiation of business terms and other terms is difficult, as it does not reflect the way business is conducted. The reduction to only one "Modification" Flag would be the more appropriate reporting solution.

<ESMA_QUESTION_SFTR_12>

Q13: The modifications of which data elements should be reported under action type "Other modification"? Please justify your proposals.

<ESMA_QUESTION_SFTR_13>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_13>

Q14: Do you agree with the revised proposal to use the terms "collateral taker" and "collateral giver" for all types of SFTs?

<ESMA_QUESTION_SFTR_14>

DBG cannot fully agree with ESMA on this issue. Please note that under a lending framework also cash driven loans can be negotiated. For Example: a CCP may offer finance loans where cash is the driven asset while collateralisation works via a Tri-Party Agent (with a respective collateral basket). In this case e.g. the definition provided by ESMA would not match, because the securities are the collateral and not cash. We would expect ESMA to adjust the proposal accordingly.

<ESMA_QUESTION_SFTR_14>

Q15: Are the proposed rules for determination of the collateral taker and collateral giver clear and comprehensive?

<ESMA_QUESTION_SFTR_15>

DBG would like to refer to our answer to Q 14

<ESMA_QUESTION_SFTR_15>



Q16: Are you aware of any other bilateral repo trade scenario? Are there any other actors missing which is not a broker or counterparty? Please elaborate.

<ESMA_QUESTION_SFTR_16>

DBG seeks clarification by ESMA as regards the treatment of intra-group transactions. DBG considers that intra-group transactions like a SFT-Transaction between Clearstream Banking Luxembourg and Clearstream Banking Frankfurt (both subsidiaries of DBG) will have no SFTR reporting obligation.

Please also refer to our answer of Q6 and the definition of "Agent" that could also have impact on the trade scenario of bilateral trade scenarios.

Furthermore, DBG would welcome in this context if ESMA could publish clear guidelines on how to report a bilateral trade scenario similar to scenario 1 but with two different brokers: Counterparty1 <-> Broker1 <-> Broker2 <-> Counterparty2.

<ESMA_QUESTION_SFTR_16>

Q17: Do you consider that the above scenarios also accurately capture the conclusion of buy/sell-back and sell/buy back trades? If not, what additional aspect should be included? Please elaborate.

<ESMA_QUESTION_SFTR_17>

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<ESMA_QUESTION_SFTR_17>

Q18: Are the most relevant ways to conclude a repo trade covered by the above scenarios? Are the assumptions correct? Please elaborate.

<ESMA_QUESTION_SFTR_18>

DBG sees two deviations to the assumptions provided by ESMA:

First, ESMA suggests that buy side models shall be reported as mentioned under scenario 5. The scenario is defined by ESMA as 'CCP interposing itself between the two counterparties that are not clearing members and the clearing members participate in agent capacity'. Based on Eurex Clearings service buy side customers are clearing members and legal counterparties to the CCP, hence this is a contradiction to the description of the model. However, Clearing Members must additionally appoint a clearing agent for specific requirements like Default Fund contribution. Therefore, Eurex Clearing considers scenario 3 as the correct scenario to be applied in this case. DBG would appreciate a clarification by ESMA based on the information provided by DBG above.

Specific Repo License Holders are buy-side customers and Clearing Members to the CCP. It's the assumption that in such a model scenario 3 applies. We would appreciate if ESMA could clarify this issue.

<ESMA_QUESTION_SFTR_18>

Q19: Are the most relevant ways to conclude a repo trade covered by the above scenarios? Are the assumptions correct? Please elaborate.

<ESMA_QUESTION_SFTR_19>

As regards the scenarios defined by ESMA for securities lending DBG has the following comments below.

Scenario 4:

As regards the scenarios involving central clearing, we like to point out that usually no Broker is involved in such a model. Furthermore, an Agent Lender (Lending Agent) is only acting for a Lender and not for both sides. As such we deem scenario 4 as depicted in the CP as not being correct.



In practice there are - amongst others as - well cases of undisclosed Agent Lending agreements where the counterparties are never disclosed (i.e. beyond value date). In such cases DBG suggests to report the Agent Lender in these constellations as Counterparty until the end of the trade.

Please note as well that under such constellations it is not possible for the borrower to distinguish if the lender is exempted from SFTR (Central Bank or non-EU) or not. So the borrower does not know if he has to report or not.

Using the Agent Lender as counterparty for the entire life cycle of the trade would solve the problem: if the lender is exempted, only the "borrower leg between agent lender and borrower" will be reported. We would appreciate if ESMA could take our comments into account.

<ESMA_QUESTION_SFTR_19>

Q20: Would it be possible to link the 8 trade reports to constitute the “principal clearing model” picture? If yes, would the method for linking proposed in section 4.3.4 be suitable?

<ESMA_QUESTION_SFTR_20>

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<ESMA_QUESTION_SFTR_20>

Q21: In the case of securities lending transactions are there any other actors missing?

<ESMA_QUESTION_SFTR_21>

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<ESMA_QUESTION_SFTR_21>

Q22: What potential issues do reporting counterparties face regarding the reporting of the market value of the securities on loan or borrowed?

<ESMA_QUESTION_SFTR_22>

DBG appreciates ESMA's considerate approach towards the Financial Stability Boards Recommendations. In this context however, may we point out that the collection of market values via the SFT Reporting would at least – if at all this is the right way to generate access to such prices - need to be set-up in a way which clearly considers market practicalities and would not require further significant investments for market participants under SFTR which would render SFTR disproportionate.

The determination of market value of securities subject to securities lending or borrowing transactions may slightly differ across counterparties, meaning that counterparties to a transaction might come up with slightly different market values of the underlying security. This is based on the fact that either there might be different data sources used for one security by each party, or in case of a less liquid security which does not trade on a daily basis, either old prices and/or theoretical prices may be used in order to derive the market value of a security at one point in time. (As such “market value” should generally be a non-matching field).

As an example: For the Lending CCP Eurex Clearing calculates the market value of securities based on data derived from various data sources (includes market prices, theoretical prices, other) for day of front leg settlement at a particular point in time. This value will be used as well to determine the collateralisation. It may happen, however, that prices used by the respective counterparties could differ, depending on the timing or the data sources used.

In case ESMA continues its path on collecting market valuations via SFTR we would strongly suggest that ESMA at least leaves sufficient flexibility as regards the data sources used by each party with the outcome that they may differ. As briefly pointed out above, please note the market value for securities changes over



the day. DBG therefore would recommend that only end-of-day reporting of market values should be required if at all, but in no way every price update / amendment during the day. In no case should a mandatory matching between the prices used by the respective counterparties be required, as an alignment on the daily valuation between counterparties is extremely difficult while slowing down processes on both sides.

As a side note and also with regards to Q11 to Q13, each trade might have multiple partial reimbursements applied throughout the day (e.g. a 1M borrowing at start of date is reduced to 800k at 00:00, then to 500k at 11:00 and finally to 300k by end of day). Again do each of these different sizes need to be reported separately (in case there are multiple lenders, the allocated split between them will also change with each partial reimbursement), or is it just the end of day situation (so the 300k trade size here)? One aggregated delta at the end of the day would be strongly preferred by DBG.
<ESMA_QUESTION_SFTR_22>

Q23: Do you agree with the proposal with regards to reporting of uncollateralised SFTs? Please elaborate.

<ESMA_QUESTION_SFTR_23>
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<ESMA_QUESTION_SFTR_23>

Q24: Do you agree with the proposal with regards to reporting of SFTs involving commodities? Please elaborate.

<ESMA_QUESTION_SFTR_24>
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<ESMA_QUESTION_SFTR_24>

Q25: Are there any obstacles to daily position reporting by margin lending counterparties? Do prime brokers provide information to their clients about intraday margin loans?

<ESMA_QUESTION_SFTR_25>
<ESMA_QUESTION_SFTR_25>

Q26: Which kind of guarantees or indemnifications exist in relationship to prime brokerage margin lending? Are there other parties possibly involved in a margin loan? Please provide an example.

<ESMA_QUESTION_SFTR_26>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_26>

Q27: What types of loans or activities, other than prime brokerage margin lending, would be captured in the scope of margin lending under the SFTR definition? Please provide details on their nature, their objective(s), the execution and settlement, the parties involved, the existing reporting regimes that these may already be subject to, as well as any other information that you deem relevant for the purpose of reporting.

<ESMA_QUESTION_SFTR_27>



For the avoidance of doubt DBG would appreciate further clarification from ESMA as regards certain businesses which are NOT eligible for coverage by the SFTR regime:

- Marginal lending facilities or marginal deposit facilities provided by Dt. Bundesbank and/or ECB according Art. 2 3. SFTR
- uncollateralised and unsecured credit lines for customers
- granting credit to Euroclear Bank in the context of the interoperable Bridge link settlements, unsecured credit exposures may arise
- a credit loss when advancing custody payments to our participants

As already pointed out in in our answer to Q25 DBG assumes that just negative cash balances of clients are not the scope of the SFTR. We kindly ask ESMA for further clarification.

DBG understands that reporting of settlement fail preventions has not been exempt from SFTR reporting obligations and we would like to use the opportunity to again pledge for ESMA to revisit this issue. Some settlement institutions provide securities lending services exclusively in order to cover settlement failures, as such making markets more efficient and in order to avoid settlement risks. When an instruction does not settle under certain conditions, a short term loan can automatically be opened by the settlement system. Due to this process the instruction's settlement occurs on its requested settlement date. The borrower has some parameters to frame the activity, but does not have control of individual loans. If a settlement instruction fails and the system happens to find a lender(s) for the right security and amount of shortage, the loan will be automatically opened. Such a service is usually offered without a fee while it strongly supports market liquidity. DBG does not consider such services to fall under SFTR. Such a service is different to active trading by the borrower, in fact it is a passive liquidity service offered automatically by a third party, mostly intraday only. DBG does not consider these transactions to be of similar legal, or economic nature and as such would like to seek ESMA's review of the issue at hand.

Unless these fail preventions are not fully excluded from the SFTR reporting requirements we would at least suggest that ESMA considers a separate reporting concept which would be more proportionate at least. Under this concept only outstanding activities at the end of day would be reported. Reporting on collateral would be submitted at position level on a "pooled" basis similar to ESMA's proposal for margin lending. We stand ready for further discussion with ESMA on this topic.

<ESMA_QUESTION_SFTR_27>

Q28: Are there any obstacles to the collection of data on the amount of margin financing available and outstanding margin balance? Are there any alternatives to collect data on "Free credit balances", as required by the FSB? Please provide an example.

<ESMA_QUESTION_SFTR_28>
<ESMA_QUESTION_SFTR_28>

Q29: Are there any obstacles to the reporting of (positive or negative) cash balances in the context of margin lending?

<ESMA_QUESTION_SFTR_29>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_29>

Q30: Are data elements on margin financing available and outstanding balances relevant for margin loans outside the prime brokerage context? Please provide examples.

<ESMA_QUESTION_SFTR_30>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_30>



Q31: Is the short market value reported to clients at the end of the day part of the position snapshot? What is the typical format and level of granularity included in the information communicated to clients?

<ESMA_QUESTION_SFTR_31>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_31>

Q32: Is the data element on short market value relevant for margin loans outside the prime brokerage context? Please provide examples.

<ESMA_QUESTION_SFTR_32>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_32>

Q33: Do you agree with the proposed structure of the SFT reports? If not, how you would consider that the reporting of reuse and margin should be organised? Please provide specific examples.

<ESMA_QUESTION_SFTR_33>
DBG generally agrees with the structure of the reports as proposed by ESMA. We however kindly ask for further guidance on the following topics:

1. A settlement fail prevention opened and closed intra-day in our view should be exempted from reporting due to the different nature in legal and economic terms. We understand that ESMA sees this differently. We therefore, would at least like to suggest a different reporting regime for those settlement fail prevention which would be more proportionate at least. Under this alternative model only the outstanding activities at the end of day would be reported. Reporting on collateral would be submitted at position level on a "pooled" basis similar to ESMA's proposal for margin lending. Please refer as well to our more detailed comments to that topic in the introduction of our feed-back to ESMA.
2. DBG would appreciate ESMA's clarification whether Loan/Collateral Data and Counterparty Data form a compulsory report set that need to be reported with each SFT, while Re-Use Report and Margin Reports are, however, independent from the transaction based set and are entity-specific.
3. Furthermore, DBG asks for implementation guidance for Action Types "Modification", "Error" and "Correction". E.g. in case of a modification of one single field in one sub-report (e.g. in the Loan and Collateral Report), will it require to submit a full report set (i.e. all four reports) or only to submit the affected sub-report (s)? Moreover, is it required to submit only the modified fields or is it required to populate all fields?
4. Due to the complexity and high number of required data providers for SFTR reporting, ESMA should issue operational guidance, what time stamp can be interpreted as End-Of-day state to avoid inconsistencies. For example, Tri-Party Agents run numerous intraday batches to consider collateral substitutions until late evening of t, CCP netted information might be available in overnight batches at t. In this respect, we would appreciate if ESMA could define End-of-Day generally referring to the time when all SFTR relevant processes have been closed. We like to point out that due to the different IT set-ups and processes applied by market participants End-of-Day of course may vary.

<ESMA_QUESTION_SFTR_33>



Q34: What are the potential costs and benefits of reporting re-use information as a separate report and not as part of the counterparty data? Please elaborate.

<ESMA_QUESTION_SFTR_34>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_34>

Q35: What are the potential costs and benefits of reporting margin information as a separate report and not as part of the counterparty data? Please elaborate.

<ESMA_QUESTION_SFTR_35>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_35>

Q36: Are there any fields which in your view should be moved from the Counterparty to the Trade-related data or vice-versa? If so, please specify the fields clarifying why they should be moved.

<ESMA_QUESTION_SFTR_36>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_36>

Q37: Is Triparty agent expected to be the same for both counterparties in all cases? If not, please specify in which circumstances it can be different.

<ESMA_QUESTION_SFTR_37>
-TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_37>

Q38: Do you agree with the proposed fields included in the attached Excel document? Please provide your comments in the specified column.

<ESMA_QUESTION_SFTR_38>
For a detailed DBG response, please see attached Excel sheet: DBG_2016-1409_sfr_tables_cp.xlsx
<ESMA_QUESTION_SFTR_38>

Q39: Do you agree with the proposal to identify the country of the branches with ISO country codes?

<ESMA_QUESTION_SFTR_39>
DBG agrees with the proposal of identifying country of branches with the ISO country codes.
<ESMA_QUESTION_SFTR_39>

Q40: Do you agree with the proposed approach with regards to the reporting of information on beneficiaries? If not, what other aspects need to be considered? Please elaborate.

<ESMA_QUESTION_SFTR_40>
DBG fully agrees with ESMA's proposed approach as regards to the reporting of information on beneficiaries. We especially agree with ESMA's considerate approach that a CCP should identify its counterparty but not as well the client of the CCPs counterparty. We deem this to be in line as well with applicable law.
<ESMA_QUESTION_SFTR_40>

Q41: Would exempting CCPs from reporting the Report Tracking Number field would reduce the reporting burden on the industry.

<ESMA_QUESTION_SFTR_41>

DBG strongly appreciates ESMA's considerate approach as regards the avoidance of additional cost and burden on CCPs where possible. We therefore strongly agree with ESMA's proposal to not request CCPs to provide a Report Tracking Number. We need to point out, however, that contrary to ESMA's assumptions we doubt that there will be UTIs in all cases available.

<ESMA_QUESTION_SFTR_41>

Q42: Could you please provide information on incremental costs of implementing the proposal, taking into account that systems will have to be changed to implement the SFTR reporting regime in general?

<ESMA_QUESTION_SFTR_42>

DBG asks ESMA for clarification and more detailed description how a substitution of collateral of a bilateral Repo should be reported. Would it require a new UTI?

<ESMA_QUESTION_SFTR_42>

Q43: Could you please provide views on whether you would prefer Alternative 1 (prior-UTI) over Alternative 2 (relative referencing solution)? Please provide relative costs of implementing both proposals.

<ESMA_QUESTION_SFTR_43>

DBG agrees with the proposal of ESMA and prefers Option 1 which seems to be the most cost efficient solution to implement. We ask for more clarification on how the reporting shall look like in case the CCP is obliged to report for a SME and Non-Financial counterparty according to Article 4(3)? In this case the prior-UTI is still not available to the CCP.

<ESMA_QUESTION_SFTR_43>

Q44: Do you agree with the above rules for determining the entity responsible for the generation and transmission of the UTI? If not what other aspects should be taken into account? Please elaborate.

<ESMA_QUESTION_SFTR_44>

DBG agrees with the proposal as lined out by ESMA in figure 1 on p. 80 of the CP.

<ESMA_QUESTION_SFTR_44>

Q45: Do you agree with the logic and framework for reporting of margins for CCP-cleared SFTs? What other aspects should be taken into account? Please elaborate.

<ESMA_QUESTION_SFTR_45>

DBG in general agrees with the proposed logic and framework for reporting as described by ESMA. However, there are certain points where we would appreciate further fine tuning and clarifications by ESMA going forward.

DBG assumes that it is ESMA's intention to align reporting under SFTR and EMIR to the maximum possible. DBG would strongly support an alignment of the reporting logic between EMIR-Reports for derivatives and the new SFT-Reports. Applying the same or similar logic could reduce expensive development efforts as well as ongoing costs.



In its consultation paper ESMA refers to the terminology of “Margin” in the context of SFT and uses it case 1 and 2. In DBG view “Margin” especially “Variation Margin” clearly is a terminology used in the derivatives space which in our view is not really applicable to SFTs. We would like to point out that in case of CCP services the term “Variation Margin” is used (in contrast to “Initial Margin”) only in context of Derivatives and doesn't apply to cash market trades or SFTs. Hence, based on the intended reporting proposal of ESMA for SFTR, the TR would receive “Variation Margin” data.

<ESMA_QUESTION_SFTR_45>

Q46: Would you agree with the definition of terms? If not, please explain.

<ESMA_QUESTION_SFTR_46>

DBG generally agrees with ESMA's definitions as lined out under paragraph 248. in the CP. However, we would strongly recommend to adapt certain definitions for the avoidance of doubt as lined out below:

Paragraph 248 a should be adapted by referring to collateral pool as a range of securities in a securities account that can be used to collateralise any given set of current and of future transactions across any number of counterparties.

Paragraph 248 b states that collateral schedule means a list of securities agreed to be eligible for delivery against a given SFT. Collateral basket or Collateral schedule are more accurately described as “a list of criteria that securities should meet in order to be eligible for delivery against a given set of current or future transactions”.

We would appreciate if ESMA adapts the respective definitions accordingly.

Generally, a transaction will be grouped against a given collateral basket of schedule (this could be just one transaction or many) or if to be collateralized on a one to one basis the collateral is generally agreed at the point of execution on a named security basis.

<ESMA_QUESTION_SFTR_46>

Q47: Are the cases for which collateral can be reported on trade level accurately described? If not, please explain.

<ESMA_QUESTION_SFTR_47>

DBG fully agrees with the proposal and has no further comments.

<ESMA_QUESTION_SFTR_47>

Q48: In addition to the exceptions listed above, when would the collateral for a repo trade that does not involve a collateral basket not be known by the reporting deadline of end of T + 1?

<ESMA_QUESTION_SFTR_48>

DBG wants to point out, that it is important to notify that trade date and value date of the underlying SFT can be different. It is advisable to define the timing based on value date to cover all scenarios.

<ESMA_QUESTION_SFTR_48>

Q49: Could the counterparties to a CCP-cleared cash rebate securities lending trade report an estimated value for the cash collateral in the markets in which the CCP calculates the initial cash value on the intended settlement date? If not, please explain.

<ESMA_QUESTION_SFTR_49>



With regards to the Lending CCP the calculation of the cash collateral is done during the night before the **actual** front leg settlement date. Hence, the clearing members would be aware of the final value on the day of the **actual** front leg settlement, but not earlier. Same applies for non-cash collateral.
<ESMA_QUESTION_SFTR_49>

Q50: Are the cases for which collateral would be reported on the basis of the net exposure accurately described? If not, please explain.

<ESMA_QUESTION_SFTR_50>
DBG generally agrees with ESMA's views as lined out in point 252. and 253.
<ESMA_QUESTION_SFTR_50>

Q51: Is the understanding of ESMA correct that CCP-cleared trades are excluded from the calculation of net exposures between two counterparties? If not, please explain.

<ESMA_QUESTION_SFTR_51>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_51>

Q52: Is the assumption correct that the counterparties can report the assets available for collateralisation in the collateral portfolio for margin lending with the balance of the outstanding loan? If not, please explain.

<ESMA_QUESTION_SFTR_52>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_52>

Q53: Are you aware of any scenarios that would require at the end of day the reporting of cash not only as principal amount, but also as cash collateral for repos? If yes, please describe.

<ESMA_QUESTION_SFTR_53>
Yes, DBG would strongly recommend ESMA to foresee such scenarios as lined out below.

DBG strongly suggests that in case of triparty collateral management service ESMA takes into consideration, that customers can allocate cash as "last resort" in case they do not have sufficient eligible collateral to cover the exposure.

There could be situations where cash is used as collateral and the system will look for substitution possibility with the next business run.

Depending on the time of the reporting end of day, the customers can have cash in their end of day reporting and this could be substituted within the next run, following business day. <ESMA_QUESTION_SFTR_53>

Q54: Would you foresee any specific challenges in implementing the proposed logic for linking? If yes, please explain.

<ESMA_QUESTION_SFTR_54>
DBG has certain hesitations as regards the proposed logic by ESMA. We expect significant challenges as regards the linkage based on the chosen fields by ESMA.



First, while ESMA requires a LEI to be provided by the counterparty, LEI application is not yet perfect. We fear that some transactions might not have an LEI included. We would like to ask ESMA how to proceed in case no LEI becomes available.

Second, Master Data Agreement. In case clearing conditions are considered as master data agreement a versioning for the reporting (to the year of the master agreement version) becomes difficult, because the conditions are updated several times during a year. Hence, the probability that CCPs and their counterparties refer to different versions is extremely high because the clearing conditions become silently effective, if there is no active disagreement. Furthermore, master agreement information is not part of Tri-Party Agent data elements.

Third, we see as well challenges in linking loan and collateral data in case parties use bespoke agreement information.

Fourth, linking trade and collateral reporting based on an intended settlement data may lead to the reports suggesting over and under collateralisation due to failing settlements captured in the trade reports.

DBG would appreciate further clarification by ESMA in this respect.
<ESMA_QUESTION_SFTR_54>

Q55: In which case would counterparties need to provide a bilaterally agreed unique code to for linking trades to collateral? If yes, please explain.

<ESMA_QUESTION_SFTR_55>
Please refer to our comments submitted under Q54
<ESMA_QUESTION_SFTR_55>

Q56: Is there a case where more than one bespoke bilateral agreement is concluded between two counterparties?

<ESMA_QUESTION_SFTR_56>
DBG suggests that the Global Master Securities Lending Agreement (GMSLA) and Global Master Repurchase Agreement (GMRA) may be used as standard master agreements for securities lending and repurchase transactions between 2 identical counterparties at the same time.
<ESMA_QUESTION_SFTR_56>

Q57: Is it possible, for a pair of counterparties to have more than one master agreement or more than one bespoke agreement per SFT type? In these cases, please specify, how these agreements are identified between the counterparties? Please provide examples.

<ESMA_QUESTION_SFTR_57>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_57>

Q58: How costly would it be for your firm to report individual securities? If possible, please provide a quantitative estimation of the costs.

<ESMA_QUESTION_SFTR_58>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_58>

Q59: Would the reporting of outstanding balances by asset class facilitate reporting? How costly would it be for your firm to develop and implement such a reporting? If possible, please provide a quantitative estimation.

<ESMA_QUESTION_SFTR_59>

DBG considers that the ESMA proposal would not facilitate reporting. A single-security reporting at ISIN level approach would be the less complicated and less expensive reporting option in our view.

<ESMA_QUESTION_SFTR_59>

Q60: Are there other obstacles to collecting position-level data on funding sources for each prime broker? If this is the case, please provide an example, and whether there is a viable alternative.

<ESMA_QUESTION_SFTR_60>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_60>

Q61: What type of information or guidance would be required in order for funding sources to be reported consistently across all reporting counterparties?

<ESMA_QUESTION_SFTR_61>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_61>

Q62: Can data elements on funding sources be reported for margin loans outside the prime brokerage context? Please provide examples.

<ESMA_QUESTION_SFTR_62>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_62>

Q63: How are portfolio leverage ratios calculated? Please provide an example of the formulas typically used.

<ESMA_QUESTION_SFTR_63>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_63>

Q64: What are the potential costs of providing the re-use data as outlined in this section? Are there other options to link collateral that is re-used to a given SFT or counterparty? Please document the potential issues. Please elaborate.

<ESMA_QUESTION_SFTR_64>

DBG seeks further clarity from ESMA as regards the obligation of a CCP in line with Art 4 (3). This article requires that the counterparty steps in and reports for small counterparties. In case the counterparty is a CCP the re-use data is not available to the CCP. Furthermore, Re-use information – which is ISIN and Counterparty based - in any case can only be compiled at counterparty level, due to the fact that an ISIN position could be distributed among several custodians. Hence it is completely unclear how the CCP should be in the position to facilitate a complete reporting. We would therefore strongly appreciate clarification by ESMA as regards the data to be reported by the CCP on behalf of a small counterparty.

<ESMA_QUESTION_SFTR_64>



Q65: Would it be easier to report collateral re-use in a separate message as proposed or, it will be better repeating the information as part of the counterparty data?

<ESMA_QUESTION_SFTR_65>

Please refer to DBGs answer as provided for Q64 above.

<ESMA_QUESTION_SFTR_65>

Q66: Would the effort of reporting re-use on a weekly or monthly basis reduce significantly the costs?

<ESMA_QUESTION_SFTR_66>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_66>

Q67: Are there cash re-investment programmes for agent lenders acting as principal?

<ESMA_QUESTION_SFTR_67>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_67>

Q68: Do you agree that the term type and the way maturity is measured (e.g. weighted average maturity) are appropriate elements for the purpose of monitoring potential liquidity risks from maturity mismatch between the securities loan and the reinvestment of cash collateral? Are there other elements you believe ESMA should consider collecting? Do you see any obstacles to the reporting of these elements, or their analysis? Please explain.

<ESMA_QUESTION_SFTR_68>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_68>

Q69: What is the methodology your firm uses to compute the weighted-average life and maturity of cash collateral portfolios? Do you expect this methodology to vary significantly across firms?

<ESMA_QUESTION_SFTR_69>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_69>

Q70: Do you agree with the proposed approach? What other aspects need to be taken into account? Please elaborate.

<ESMA_QUESTION_SFTR_70>

Please refer to DBGs answer as provided for Q64 above.

<ESMA_QUESTION_SFTR_70>

Q71: Do you agree with the proposed approach? Please elaborate.

<ESMA_QUESTION_SFTR_71>



DBG does not agree with the proposal by ESMA as we foresee certain impracticalities for market participants including CCPs. Due to multilateral netting CCPs especially require a special logic in order to identify the place of settlement (where onward delivery is required by CCP). Hence, the place of settlement is not known in all cases just before the day of actual settlement. Furthermore, a scenario is valid in which the place of settlement of the front leg is different to the term leg, e.g. the front leg of a bond can settle in Clearstream while the term leg settles in Euroclear. How would ESMA foresee the to be applied reporting logic in such cases?

<ESMA_QUESTION_SFTR_71>

Q72: Do you agree with the proposed approach with regards to reporting of master agreements? What other aspects need to be considered? Please elaborate.

<ESMA_QUESTION_SFTR_72>

DBG needs further clarifications on the proposed approach by ESMA.

Especially as regards the reporting logic for CCPs on the master agreements, we would appreciate further clarity. Data field (9) should ideally not be a mandatory field for linking, given that this information is not available in the tri-party service and the content required is beyond availability. So from a Tri-Party Agent view, we are not sure if we would be required to either keep the field empty, fill the field with value "OTHR" or include a free text. Alternatively, ESMA might foresee another possible value in field 9 for clearing conditions. In any case we seek ESMA's clarification on this issue.

Furthermore, we would appreciate if ESMA could clarify how to deal with an agency lending programme where the lender agreement is different from the borrower agreement?

It has also to be noted that for non-standard-master agreement "OTHR", it can be difficult to identify the type of service by the free text "other master agreement type" because the text is not standardised (both parties might use different name/content to fit into the 50 characters).

<ESMA_QUESTION_SFTR_72>

Q73: Do you agree with the proposed approach with regards to reporting of method of trading? What other aspects need to be considered? Please elaborate.

<ESMA_QUESTION_SFTR_73>

DBG agrees with the proposed approach.

<ESMA_QUESTION_SFTR_73>

Q74: In your view, what information on the nature of the indemnification (guarantee of the value, replacement of the securities, etc.), relevant for the monitoring of financial stability in relation to indemnifications could be reported? What type of data would be reported for each of the suggested elements reported e.g. values, percentages, other? Please elaborate.

<ESMA_QUESTION_SFTR_74>

DBG does not see a big value in the additional reporting of indemnification information to ESMA. The market is extremely diverse as regards such agreements and information - if made available - will differ significantly.

<ESMA_QUESTION_SFTR_74>

Q75: Do you agree with the proposed structure of the validation rules? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_75>

TYPE YOUR TEXT HERE



<ESMA_QUESTION_SFTR_75>

Q76: Do you agree with the proposed scope of the reconciliation process? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_76>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_76>

Q77: Do you consider that the proposed framework for collateral reconciliation process should take place in parallel with the reconciliation of the loan data? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_77>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_77>

Q78: Do you agree with the use of ISO 20022 for the purposes of ensuring common format and common encoding of files exchanged between TRs during the inter-TR reconciliation process? If not, what other common standard would you propose?

<ESMA_QUESTION_SFTR_78>

DBG agrees with the proposed ISO 20022 to handle SFTR messages. Moreover, ISO 20022 is scheduled also to be used by other regulations (e.g. MiFIR II for ARM to NCA messages and EMIR for TR to NCA messages).

<ESMA_QUESTION_SFTR_78>

Q79: Do you agree with standardising the timeline for finalisation of the inter-TR reconciliation process? Do you agree with the proposed timeline for finalisation of the inter-TR reconciliation process? If not, what would be a most appropriate timeline? What other aspects should be taken into account? Please elaborate.

<ESMA_QUESTION_SFTR_79>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_79>

Q80: Do you agree with the fields proposed for reconciliation? Which other should be included, or which ones should be excluded? Please elaborate.

<ESMA_QUESTION_SFTR_80>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_80>

Q81: Do you agree with the proposed tolerance levels? Which other tolerance levels would you suggest? Please elaborate.

<ESMA_QUESTION_SFTR_81>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_81>

Q82: What other fields are suitable for establishing tolerance levels? What should be the tolerance level for those fields? Should the tolerance level be linearly or logarithmically related to the values? What other aspects should be taken into account? Please elaborate.

<ESMA_QUESTION_SFTR_82>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_82>

Q83: Do you agree with the proposed logic for rejections messages? Do you agree with the proposed statuses of rejection messages? What other aspects should be taken into account? Please elaborate.

<ESMA_QUESTION_SFTR_83>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_83>

Q84: Do you agree with the proposed reconciliation statuses? What other aspects should be taken into account? Please elaborate.

<ESMA_QUESTION_SFTR_84>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_84>

Q85: Do you agree with the proposed end-of-day response to reporting counterparties, report submitting entities and entities responsible for reporting? What other information should be included? What are the potential costs of this information? Please elaborate.

<ESMA_QUESTION_SFTR_85>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_85>

Q86: What other End-of-day reports can be provided to reporting counterparties, report submitting entities and entities responsible for reporting

<ESMA_QUESTION_SFTR_86>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_86>

Q87: Do you agree with the proposed aggregation criteria? What other aspects should be taken into account? Please elaborate.

<ESMA_QUESTION_SFTR_87>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_87>

Q88: Do you agree with the proposed technical aspects on aggregation of data? What other aspects should be taken into account?

<ESMA_QUESTION_SFTR_88>
TYPE YOUR TEXT HERE



<ESMA_QUESTION_SFTR_88>

Q89: Do you agree with the proposed timeline for keeping the data available on the website? Please elaborate.

<ESMA_QUESTION_SFTR_89>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_89>

Q90: At which point in time do you consider that the additional data elements regarding an SFT will be available for authorities? What are the potential costs of the inclusion of the above mentioned additional data elements? Please elaborate.

<ESMA_QUESTION_SFTR_90>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_90>

Q91: What other data elements could be generated by the TRs and provided to authorities? Please elaborate.

<ESMA_QUESTION_SFTR_91>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_91>

Q92: In case a preliminary reconciliation status report is provided, what elements it should include? Please elaborate

<ESMA_QUESTION_SFTR_92>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_92>

Q93: Considering the proposed termination of the inter-TR reconciliation process at 18:00, when at the earliest can a TR submit the reconciled data to the authorities?

<ESMA_QUESTION_SFTR_93>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_93>

Q94: What is the optimal delay for provision of SFT position-level reports? What are the potential costs of the generation of above mentioned position reports? What other reports would you suggest to be provided by the TRs? Please elaborate.

<ESMA_QUESTION_SFTR_94>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_94>

Q95: Do you consider that there should be one position report including both reconciled and non-reconciled data or that there should be two position reports, one containing only reconciled data and the other one containing only non-reconciled data? What are the potential costs of the



separation of above mentioned position reports? What are the benefits of the separation above mentioned position reports? Please elaborate.

<ESMA_QUESTION_SFTR_95>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_95>

Q96: Do you agree with the proposal? What other aspects should be taken into account? Please elaborate.

<ESMA_QUESTION_SFTR_96>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_96>

Q97: Do you agree with the proposed approach to avoid double counting? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_97>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_97>

Q98: Do you agree with the proposed approach for single access per authority irrespective of the number of responsibilities and mandates it has? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_98>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_98>

Q99: Do you agree with the proposed way to establish transaction level access to data reported under EMIR? What are the costs of establishing such a level of access? Please elaborate.

<ESMA_QUESTION_SFTR_99>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_99>

Q100: Do you agree with the proposed way to establish transaction level access to data reported under SFTR? What are the costs of establishing such a level of access? Please elaborate.

<ESMA_QUESTION_SFTR_100>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_100>

Q101: Do you agree with the proposed functional approach under EMIR? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_101>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_101>

Q102: Do you agree with the proposed territorial approach under SFTR? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_102>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_102>

Q103: Do you agree with the proposed levels of access do data reported by branches included in section 6.5? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_103>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_103>

Q104: Do you agree with the proposed levels of access do data reported by subsidiaries under EMIR included in sections 6.5.1 – 6.5.5? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_104>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_104>

Q105: Do you agree with the proposed levels of access data reported by subsidiaries under SFTR included in sections 6.5.1 –6.5.5? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_105>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_105>

Q106: Is there any possible way to ensure the access to TR data from the perspective of commodities? Please elaborate.

<ESMA_QUESTION_SFTR_106>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_106>

Q107: Do you agree with the proposed access levels under SFTR for authorities competent for securities and markets? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_107>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_107>

Q108: Do you agree with the proposed access levels under SFTR for authorities supervising CCPs? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_108>



<ESMA_QUESTION_SFTR_108>

Q109: Do you agree with maintaining the current access levels under EMIR for ESCB issuer of the currency? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_109>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_109>

Q110: Do you agree with the proposed access levels under SFTR for ESCB issuer of the currency? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_110>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_110>

Q111: Do you agree with the proposed access levels under SFTR for authorities competent for takeover bids? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_111>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_111>

Q112: Do you agree with the proposed access levels under SFTR for ESMA and ESRB? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_112>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_112>

Q113: Do you agree with the proposed access levels under SFTR for ACER? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_113>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_113>

Q114: Do you agree with the proposed access levels under EMIR for EBA and EIOPA? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_114>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_114>

Q115: Do you agree with the proposed access levels under SFTR for EBA and EIOPA? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_115>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_SFTR_115>



Q116: Do you agree with the proposed access levels under EMIR for ECB in carrying out its tasks within a single supervisory mechanism? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_116>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_116>

Q117: Do you agree with the proposed access levels under SFTR for ECB in carrying out its tasks within a single supervisory mechanism? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_117>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_117>

Q118: Do you agree with the proposed access levels under EMIR for national authorities competent for the prudential supervision under CRD IV and CRR which participate in the SSM? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_118>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_118>

Q119: Do you agree with the proposed access levels under SFTR for national authorities competent for the prudential supervision under CRD IV and CRR which participate in the SSM? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_119>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_119>

Q120: Do you agree with the proposed access levels under EMIR for national authorities competent for the prudential supervision under CRD IV and CRR which do not participate in the SSM? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_120>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_120>

Q121: Do you agree with the proposed access levels under SFTR for national authorities competent for the prudential supervision under CRD IV and CRR which do not participate in the SSM? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_121>
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<ESMA_QUESTION_SFTR_121>



Q122: Do you agree with the proposed access levels under EMIR for national supervisory authorities under Solvency II? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_122>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_122>

Q123: Do you agree with the proposed access levels under SFTR for national supervisory authorities under Solvency II? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_123>
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<ESMA_QUESTION_SFTR_123>

Q124: Do you agree with the proposed access levels under EMIR for national competent authorities under UCITS and AIFMD? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_124>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_124>

Q125: Do you agree with the proposed access levels under SFTR for national competent authorities determined under Solvency II? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_125>
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<ESMA_QUESTION_SFTR_125>

Q126: Do you agree with the proposed access levels under EMIR for national resolution authorities? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_126>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_126>

Q127: Do you agree with the proposed access levels under EMIR for SRB? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_127>
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<ESMA_QUESTION_SFTR_127>

Q128: Do you agree with the proposed access levels under SFTR for national resolution authorities? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_128>



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<ESMA_QUESTION_SFTR_128>

Q129: Do you agree with the proposed access levels under SFTR for SRB? If not, what other aspects should be taken into account. Please elaborate.

<ESMA_QUESTION_SFTR_129>
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<ESMA_QUESTION_SFTR_129>

Q130: Are there any other aspects that need to be included in the procedure to be put in place by the trade repository? Please elaborate.

<ESMA_QUESTION_SFTR_130>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_130>

Q131: Is there any additional information that needs to be included in the templates and tables? Please elaborate.

<ESMA_QUESTION_SFTR_131>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_SFTR_131>