esma European Securities and Markets Authority

Final Report

Guidelines for reporting under EMIR

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esma

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1 Legislative references, abbreviations and definitions

Legislative references

EMIR	Regulation (EU) 648/2012 of the European Parliament and Council on OTC derivatives, central counterparties and trade repositories -European Market Infrastructures Regulation[1]
SFTR	Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 [2] – Securities Financing Transactions Regulation
RTS on reporting	Commission Delegated Regulation (EU) No 2022/1855 of 10 June 2022 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the minimum details of the data to be reported to trade repositories and the type of reports to be used[3]
ITS on reporting	Commission Implementing Regulation (EU) No 2022/1860 of 10 June 2022 laying down implementing technical standards for the application of Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to the standards, formats, frequency and methods and arrangements for reporting and repealing Implementing Regulation (EU) No 1247/2012[4]

[1] OJ L 201, 27.7.2012, p.1
[2] OJ L 337, 23.12.2015, p.1
[3] OJ L 262, 7.10.2022, p. 1
[4] OJ L 262, 7.10.2022, p.68.

RTS on registration	Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository, as amended by Commission Delegated Regulation (EU) 2019/362 of 13 December 2018 [5] and by Commission Delegated Regulation (EU) 2022/1857[6]
RTS on data quality	Commission Delegated Regulation (EU) No 2022/1858 of 10 June 2022 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the procedures for the reconciliation of data between trade repositories and the procedures to be applied by the trade repository to verify the compliance by the reporting counterparty or submitting entity with the reporting requirements and to verify the completeness and correctness of the data reported[7].
RTS on data access	Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data, as amended by Commission Delegated Regulation (EU) 2017/1800 and by Commission Delegated Regulation (EU) 2019/361, as amended by the Commission Delegated Regulation (EU) 2022/1856[8].

[5] OJ L 52, 23.2.2013, p. 25
[6] OJ L 262, 7.10.2022, p.41
[7] OJ L 262, 7.10.2022, p.46.
[8] OJ L 262, 7.10.2022, p.34.

RTS on organisation requirements	Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive

Abbreviations

CFI code	Classification of Financial Instruments code
CM	Clearing Member
CCP	Central Counterparty
CP	Consultation paper on Guidelines on Reporting under EMIR
CP on RTS/ITS	Consultation paper on the technical standards on reporting, data quality, data access and registration of TRs under EMIR REFIT[9]
FR on RTS/ITS	Final report on the technical standards on reporting, data quality, data access and registration of TRs under EMIR REFIT[10]
CPMI	Committee on Payments and Market Infrastructures
EC	European Commission
ECB	European Central Bank
EEA	European Economic Area
ERR	Entity responsible for reporting
ESCB	European System of Central Banks
ESMA	European Securities and Markets Authority

[9] https://www.esma.europa.eu/sites/default/files/library/esma74-362-47_cp_on_the_ts_on_reporting_data_quality_data_access_and_registration_of_trs_under_emir_refit.pdf

[10] https://www.esma.europa.eu/sites/default/files/library/esma74-362-824_fr_on_the_ts_on_reporting_data_quality_data_access_and_registration_of_trs_under_emir_refit_0.pdf

EU	European Union
FIRDS	*Financial Instruments Reference Data System*
FSB	Financial Stability Board
IOSCO	International Organisation of Securities Commissions
ISIN	International Securities Identification Number
ISO	International Organization for Standardization
ITS	Implementing Technical Standards
LEI	Legal entity identifier
MIC	Market identifier code
NCA	National Competent Authority
OJ	The Official Journal of the European Union
OTC	Over-the-counter
Q&A	Questions and Answers
RSE	Report submitting entity
RTS	Regulatory Technical Standards
SWIFT	Society for Worldwide Interbank Financial Telecommunication
TR	Trade repository
UTI	Unique Transaction Identifier
XML	Extensible Mark-up Language
XSD	XML Schema Definition

2 Executive Summary

Reasons for publication

This Final report on Guidelines on reporting under EMIR REFIT contains the assessment of the feedback received from stakeholders on key elements of ESMA Guidelines on reporting under EMIR REFIT. The Guidelines provide clarification regarding the compliance with the

EMIR technical standards and ensure the consistent implementation of the revised rules on reporting under EMIR.

Contents

The Final report is split into different sections. The sections contain a brief explanation of the proposals in the consultation paper and the assessment of the feedback that is taken on board and the one that is not taken on board together with the reasons for it. Section 3.1 contains the assessment of the feedback to the general principles that apply to derivatives reporting, including how the derivatives reports should be constructed as well as in what circumstances and how many derivatives reports should be sent. In particular, this section discusses the feedback relating to the transitional provisions, number of reportable derivatives, exemptions from reporting, allocation of responsibility for reporting and delegation of reporting, reporting of lifecycle events, the timeliness of reporting, population of different sections of fields in the reports, reporting of complex products and ensuring data quality by the counterparties. Section 3.2 refers to the feedback on the reporting of specific types of derivatives, whereas section 3.3 summarises the feedback on the use cases relating to the population of the tables of fields to be reported under EMIR, explaining how the relevant fields for particular topics should be reported. For each example in the Guidelines there is a corresponding table of relevant fields and the expected XML-text rendering. Section 3.4 details the assessment of the feedback on the clarifications relating to the data management, including the constructions of the Trade State Report by TRs, reconciliation of derivatives, data quality feedback to be provided by the TRs and rules on granting authorities' access to data. Finally, section 4 contains the cost-benefit analysis of the proposals that are included in the Guidelines and section 5 refers to the request for advice of the Securities and Markets Stakeholders Group.

Next Steps

ESMA will publish the final report and the Guidelines on the ESMA's website.

3 Summary of feedback received to public consultation

3.1 General Principles

3.1.1 Transition to reporting under the RTS and ITS on reporting

Q1: Are there any other clarifications that should be provided with regards to the transition to reporting under the revised technical standards?

1. In the Consultation Paper on the Guidelines (CP), ESMA clarified the aspects concerning the transition to reporting according to the revised RTS and ITS on reporting.
2. The approach proposed in the CP has been broadly supported, however several respondents asked for additional explanations.
3. In the CP ESMA explained how the counterparties should update all their outstanding derivatives both at a trade and at a position level in the course of the

transition period, and the relevant action types that should be used. ESMA also clarified that the transition period does not impact in any way the obligation under Article 9 of EMIR to report the relevant events by T+1 and that all the reports submitted after the start of reporting under the revised technical standards will have to comply with the amended requirements.

4. One respondent expressed concerns over the ability of NFC- to comply with the revised rules and suggested to extend the 180 days transition period to lifecycle events on bilateral OTC transactions between NFCs-. With reference to this point, ESMA would like to clarify that the length of the implementation period and of the transition period has already been specified in the Final Report on the RTS and ITS on reporting (FR on RTS/ITS) where input from the consultation on the standards was taken into consideration.

5. One respondent asked what actions a TR should take for trades that are not updated at the end of the transition period. In this respect, ESMA will be monitoring the situation during the transition period and may suggest any actions deemed necessary. However, the expectation is that all counterparties comply with the 180-day deadline.

6. One respondent recommended to specifically mention that backlogging of terminated trades is not expected under the new reporting standards. ESMA does not expect entities to update and re-report the terminated trades; this is of course without prejudice to send modifications, corrections, etc for past dates, where relevant. ESMA has clarified this aspect in the Guidelines.

7. One respondent made reference to the paragraph in the CP where ESMA clarifies that "In the case where a derivative has two or more legs […] all legs of the contract should be reported in one report, where the combination of fields allows for this" and inquired whether ESMA expects that the existing trades are to be closed, and a new single report sent during the transition period. For the avoidance of any doubt, there is no need to submit any update if the derivatives were reported correctly. As a matter of fact, the requirement to include the details and information of derivatives within a single report has already been enshrined in the previous RTS on reporting[11].

8. One respondent asked what happens in case trades are required to be ported but they are not updated to the new RTS on reporting, during and after the transition period. ESMA expects Trade Repositories to continue applying the Guidelines on transfer of data between TRs after the entry into force of the revised standards. According to the Guidelines, prior to the data transfer TRs should ensure that TR participants upgrade the outstanding derivatives that are subject to data transfer to the most up to date reporting requirement. ESMA will be monitoring the situation during and at the end of the transition period and will suggest any actions deemed necessary.

9. In the CP, ESMA clarified that TRs should include all outstanding derivatives in the reconciliation process, irrespective of whether they have been updated or not.

[11] Commission Delegated Regulation (EU) 2017/104

Several queries were submitted regarding the reconciliation process. One respondent asked if trades not updated to the latest RTS on reporting should be part of the reconciliation process after the transition period. Two respondents suggested an ease period on reconciliation for the transition period. One responded suggested that during the transition period only new fields would be subject to reconciliation. One respondent suggested to require TRs to temporarily suspend, for the transition period the transmission of the reconciliation breaks' notifications for the outstanding contracts (not for the new contracts), to avoid production of inflated statistics on reconciliation breaks.

10. For the avoidance of any doubt, TRs should include all derivatives in the reconciliation process as of the reporting start date irrespective of whether they have been updated or not. As already clarified in the FR on RTS/ITS, a different reconciliation process for the transition period would create additional implementation efforts. It is recognised that there will be reconciliation breaks and reconciliation may be hampered in this period due to counterparties updating the derivatives at different points in time, but the long-term benefits out-weigh this temporary risk. It is expected that the fields required under the revised technical standards are subject to reconciliation as specified in the Annex to the RTS on data quality; however fields that were reported in the past but are no longer required under the revised technical standards will not be reconciled. For the sake of clarity, also fields that have been amended in the RTS and ITS on reporting should be subject to reconciliation as specified in the Annex to the RTS on data quality.

11. In the CP, ESMA clarified that the counterparties should not create a new UTI for outstanding derivatives, even if the original UTI is not fully compliant with e.g. new format requirements under the revised technical standards. Similarly, the TRs should follow the validation rules in this regard and should not reject reports due to UTIs that are not fully compliant with the new requirements for those derivatives that were concluded before the reporting start date of the revised technical standards.

12. With reference to the fact that counterparties should not create a new UTI for outstanding derivatives in order to comply with the revised format requirements for the UTI, two respondents asked if this refers also to field 2.3 'Prior UTI' and field 2.4 'Subsequent position UTI'. ESMA confirms that for both fields the counterparties should not create a new UTI for outstanding derivatives but rather to report the UTIs that already were generated.

13. One respondent asked if for outstanding trades the client code should be updated to the new requirements during the transition period. As any other update to outstanding derivatives – except for UTI – also updates to the client code should occur before the end of the transition period.

14. In the CP, ESMA clarified that during the transition period the TRs should provide the Trade State Report to the authorities using a relaxed version of that XML schema (i.e. a version with fewer restrictions and validations) which accommodates for the non-updated derivatives. One respondent asked if the concept of relaxed XML schemas during the transition period could be adopted also by TR participants. The XML schema should be relaxed (to accommodate for non-updated derivatives

and legacy trades) for the Trade State Report provided by the TRs both to authorities and reporting entities. For the avoidance of doubt, the reporting entities will need to report to the TRs using the restricted schema with a view to ensure high quality of the data reported to the TRs and compliance with the revised standards.

15. Finally, one respondent asked if it is possible to start reporting in line with the new standards before the deadline in order to facilitate the transition to the new standards. The date of application of the revised standard is set in the RTS on reporting; until that date the previous technical standards apply.

3.1.2 Determining the number of reportable derivatives

3.1.2.1 Reportable products

16. ESMA provided in the CP some additional clarifications on the reportability of contracts based on the definition of derivative contract under Article 2(5) of EMIR which relates to the Section C of the Annex I to MiFID. Specific consultation was carried out on various types of derivative contracts.

Currency derivatives

Q2: Are there any additional aspects to be considered with regards to the eligibility to reporting of currency derivatives?

Q3: Are there any aspects to be clarified with regards to the rest of contract types of currency derivatives? Please provide the relevant examples.

17. Some respondents welcomed the proposed clarifications while other expected some additional clarifications.

18. A respondent requested a clarification on the situation of banking holidays for the T+2 rule. The RTS on organisational requirements for investment firms refers to 2 trading days. Therefore, it is ESMA's understanding that banking holidays are to be taken into account as these are in general not trading days in the specific jurisdictions. The Guidelines have been amended in order to specify that trading days are to be considered.

19. A respondent suggested to include explicitly in the Guidelines the provisions on spot and forward currency contracts as per Article 7(2), 2nd sub-paragraph of the RTS on organisational requirements for investment firms. The Guidelines have been amended in accordance with the similar provision of the Article 10(2) of the RTS on organisational requirements for investment firms.

20. A respondent raised the situation of FX strategies meaning the simultaneous execution of two or more FX transactions that are priced as a single unit and where the execution of each component is contingent on the execution of all other components. While the reportability is not questioned here, the reporting of complex derivatives is addressed in section 4.28 of these Guidelines. In particular, ESMA wants to remind that in accordance with the CDE technical guidance, each

component should be valued individually. ESMA reminds as well that FX swaps should be reported as a single transaction.

21. A respondent asked whether physical precious metals with a dedicated FX ISO code (XAU, XAG, XPT, XPD, XRH) are to be considered as currency or commodity derivatives. ESMA considers that derivatives based on precious metals are commodity derivatives.

22. A respondent considered that the interpretation of whether a contract is a spot or a forward depends on the fund accountant. ESMA did not retain this comment as there is a clear legal reference.

Derivatives on crypto-assets

Q4: Are there any additional aspects to be considered with regards to the eligibility for reporting of the derivatives on crypto-assets? Please provide the relevant examples.

23. Most respondents confirmed that there is no need for further clarification on the reportability of derivatives on crypto assets. Some questions were more related to reporting of crypto-assets which are addressed in the section 4.27 of the Guidelines.

Total return swaps, liquidity swaps or collateral swaps (in relation to SFTR)

Q5: Are there any additional aspects to be considered with regards to the eligibility for reporting of Total Return Swaps, liquidity swaps, collateral swaps or any other uncertainty with regards to potential overlap between SFTR and EMIR? Please provide the relevant examples.

24. Overall respondents welcomed the clarifications.

25. One respondent raised that there is no clear definition of what constitutes a collateral swap or liquidity swap by reference to SFTR. ESMA is of the opinion that the notion of liquidity swap is detailed in the SFTR recital 7.

Complex contracts

Q6: Are there any additional aspects to be considered with regards to the eligibility for reporting of complex derivative contracts? Please provide the relevant examples.

26. Most of the feedback on reportability for complex contracts were more related to how such contracts are to be reported which is clarified in section 4.28 of the Guidelines.

27. One respondent asked whether options on a future, where the result is an FX spot, the FX spot is considered reportable or not under EMIR. The Guidelines have been completed in order to confirm that there is no requirement to report the FX spot under EMIR.

Market transactions that do not fall under the definition of a derivative

Q7: Are there other situations where a clarification is required whether a derivative should be reported?

Q8: Do you agree with the above understanding?

28. ESMA provided a non-exhaustive list of transactions that do not fall under the definition of a derivative under EMIR based on MiFID in the CP.

29. Respondents welcomed these clarifications. Some respondents asked questions on qualification of certain transaction types under MiFID such as “weather derivatives” or “Voluntary Emission Reduction (VER) certificates”. ESMA invites respondents to review on a case-by-case basis these instruments in light with MiFID and its evolutions. In case the qualification of a specific product remains unanswered, the related counterparty(ies) are invited to submit a dedicated question with the details of the specific instrument.

3.1.2.2 Reporting obligation with regards to the parties involved in the trade

Q9: Are there other situations where a clarification is required whether a derivative involving a specific category of party should be reported?

Q10: Do you agree with the above understanding?

30. Respondents were in favour of the details provided with regards to the reporting obligation of the parties involved in the trade.

31. A respondent asked to clarify how to report the broker in particular in the case where the broker is a counterparty to the trade. A specific paragraph has been added in the Guidelines.

32. Another respondent asked for details on reporting obligation for funds in case either the AIFM or the fund are not located in the Union.

33. If a fund manager in the EU has funds domiciled outside the EU, the reporting obligation applies to counterparties in general and more particularly to FC, regardless of the country of establishment of the FC. Based on the definition of an FC, derivative contracts entered into by AIFs established in a third country and where the AIFM is authorised or registered in the Union are subject to the reporting obligations.

34. If a trade is allocated to multiple funds in various jurisdictions, likewise to the above point, the country of establishment of the AIFM is to be considered in order to determine if the funds are FCs.

35. Where there is cross-jurisdiction fund management (for example, an AIFM based in the UK and the Fund/AIF based in the EU, or vice-versa), the respondent considered that ideally the transaction should not be reported to both ESMA and FCA under EMIR. There is currently no agreement to avoid duplicate reporting with UK, thus ESMA cannot confirm that transactions should not be reported to both ESMA and FCA. With regards to EMIR and its application in the Union, the country

of establishment of the both the AIF and the AIFM trigger or not the reporting obligation.

36. The Guidelines have been amended in order to clarify that the status of the fund determines whether it is subject to the reporting obligation.

37. One respondent asked whether CCPs are expected to populate field 2.37 'Intragroup' with 'True' in the situation where a clearing member defaults and the CCP temporarily assumes both side of the outstanding derivative contracts. ESMA considers that the field should not be populated as 'True' as this is only a temporary situation and that these derivative contracts are not meant to be intragroup contracts.

3.1.2.3 Reportability in specific scenarios

Q11: Are there other specific scenarios where a clarification is required?

Q12: Do you agree with the above understanding?

38. ESMA included in the consultation paper some specific scenarios where the reportability might be questionable. Overall respondents were favourable and agreed with ESMA's understanding. Nevertheless a few proposals for additional clarifications were made by respondents.

39. A few respondents suggested some minor amendments on the paragraph related to novations. These were integrated in the Guidelines.

40. A counterparty considered that the statement "the details of the reported derivative should be consistent across both reports" should only concern the details that are included in the pairing and matching process. ESMA considers that this statement is to be kept as it refers to the requirement for dual reporting and ESMA expects that both counterparties should have agreed on the details of the derivative and thus report them consistently even though the details are not subject to pairing and matching.

41. One respondent requested to change the wording from 'termination' to 'early termination; in paragraph 47 of the CP. ESMA did not retain the proposal as it relies on wording from EMIR.

42. A respondent expected ESMA to clarify the notion of 'several days' in the paragraph 47 of the CP. As this comment was only raised by one respondent ESMA considers that the notion was clear for most respondents and that adding another specific detailed requirement is not beneficial for the Guidelines.

43. One respondent raised that there is a risk of dual reporting in the case of porting. ESMA considers that this comment is rather related to the Guidelines on transfer of data between TRs rather than to the Guidelines on reporting.

3.1.3 Intragroup exemption from reporting

Q13: Are there any other clarifications required with regards to the IGT exemption from reporting?

44. In accordance with Article 9(1) of EMIR, as amended by Regulation 2019/834, counterparties can benefit from an intragroup (IGT) exemption from reporting for the derivative contracts within the same group where at least one of the counterparties is a non-financial counterparty or would be qualified as a non-financial counterparty if it were established in the Union and when the following conditions are met: " (a) both counterparties are included in the same consolidation on a full basis; (b) both counterparties are subject to appropriate centralised risk evaluation, measurement and control procedures; and (c) the parent undertaking is not a financial counterparty".

45. ESMA detailed in the CP some elements regarding the process to be followed in order to submit a notification to benefit from the exemption.

46. In addition, ESMA provided clarifications with regards to the eligibility of counterparties to the exemption, including a guidance provided by the European Commission.

47. In general respondents considered that no further clarifications are required. However, some respondents asked to complete the Guidelines with regards to some elements and a few respondents challenged the eligibility to the exemption for certain group structures.

48. In particular, respondents stated that the notion of ultimate parent undertaking is not sufficiently clear or raises legal uncertainty and that ESMA should consider that exemptions should be granted to counterparties which are part of a sub-consolidation at the level of the Union (at an intermediate parent level) even if the ultimate parent undertaking is located outside of the Union, in particular if the intermediate parent at Union level is relevant for centralised risk evaluation, measurements and control procedures with regard to the counterparties. One respondent considered that the interpretation underlying the Commission's guidance could disincentivize investment from non-EU jurisdictions as it would very likely result in a situation that an industrial group ultimately owned by an EU parent undertaking would be subject to different market conditions than the groups owned by a third country parent undertaking which would clearly mean there would be an unlevel playing field among the businesses. Overall, as per this respondent, it could negatively impact the competitiveness of the EU manufacturing and industrial groups which are in any way connected to the commodity markets. ESMA considers that the Commission's interpretation is clear, legally sound and thus is literally applicable. Nevertheless, ESMA completed the Guidelines with some illustrative examples in order to reduce the doubt of potential misinterpretations of the notion of ultimate parent undertaking in this context.

49. In a similar context, ESMA understands that the notion of parent undertaking in the context of a submission of notifications on behalf of the group, might lead to

unnecessary burdens. Therefore, ESMA updated the wording in the Guidelines in order to allow for a greater flexibility for the submission.

50. A respondent suggested that the opportunity to submit anticipated notification should be considered in the Guidelines. ESMA agreed with this proposal and has added a paragraph in the Guidelines to allow counterparties to submit a notification even if the counterparties are not required to report at the time the notification is submitted but will be required to do so in the future (for example, because they do not engage in derivatives trading at all on the date of notification but plan to do so in the future) as long as all conditions to benefit from the exemption are met. As an example, ESMA considers the case where an NFC is acquired by a group during the financial year (i.e. between two annual reports), following the acquisition the NFC might be included in the consolidation on a full basis. Therefore, the notification for the IGT exemption from reporting can be submitted after the acquisition has been finalised, even if the new consolidated annual report has not yet been published and no derivative transactions have been concluded yet.

51. A respondent considered that, in the case where two NCAs are involved, linking the NCAs decision to each other conflicts with EMIR. The respondent considered that each NCA will only grant the exemption (actively or by omission of a reaction) limited to its national jurisdiction. ESMA does not agree with this statement as the reporting obligation under Article 9 of EMIR applies to derivative contracts and thus the exemption applies to contracts rather than counterparties. Therefore, the intragroup exemption from reporting can only be granted if none of the NCAs object within 3 months after the notification has been received by the respective NCAs.

52. A respondent suggested that in case an initially granted exemption ceases to be valid, the objection should only be applicable once the counterparty has received its notification rather than when the NCA objects. In addition, the respondent considers that once objected, counterparties should get enough time to implement the reporting structure, which could be a complex and time-consuming process. ESMA considers the process detailed in the CP is consistent with EMIR and this process should therefore be applied.

53. A respondent considered the notion of outstanding derivative should be clarified. ESMA used another wording in the Guidelines.

54. One respondent considered that ESMA should focus on the big players in EMIR reporting and at a later stage extend it to the smaller players. The regulation is applicable to all counterparties and the Guidelines should therefore cover all situations. ESMA therefore did not consider this comment in the Guidelines.

3.1.4 Allocation of responsibility for reporting

3.1.4.1 FC trading with NFC

Q14. Are there any other clarifications required for the handling of derivatives between NFC- and FC?

55. In the CP, ESMA highlighted the Article 9(1a) of EMIR which introduces the principle that “Financial counterparties shall be solely responsible, and legally liable, for reporting on behalf of both counterparties, the details of OTC derivative contracts” concluded with an NFC-. Nevertheless, the 3rd subparagraph of that Article allows NFC- to continue to report the details of those OTC derivative contracts to a trade repository.

56. The Article 9(2) of the ITS on reporting specifies the requirements related to the arrangements to be put in place with regards to the transfer of responsibility and legal liability:

    a. Timely provision of details by the NFC- to the FC with regards to information the “FC cannot be reasonably expected to possess”, indicating a list of fields for which the details should be provided by the NFC- to the FC.

    b. Timely information of the change in the reporting responsibility, i.e. when the NFC- becomes NFC+ or vice versa.

    c. Requirements for the NFC- to renew its LEI so that the status of the LEI is ’Issued’.

    d. Timely notification by the NFC- if it decides to cease the “opt-out” so that the FC becomes responsible for reporting on its behalf.

57. In the CP ESMA provided some clarifications regarding the expectations with regards to the requirements introduced in the ITS on reporting and summarized here above as well as some general clarifications.

58. Most respondents considered that no more clarifications are required. A few respondents asked for specific clarifications or proposed some modifications to the proposals in the CP.

59. A respondent considered that the LEI of an NFC- should be renewed, not only when a transaction is concluded but as well for each reporting event. ESMA confirmed that an NFC-, as well as any other counterparty, should ensure the duly renewal of its LEI in accordance with the terms of any of the accredited Local Operating Units of the Global LEI System during the whole period when a derivative contract is outstanding in accordance with the Article 9(2) of the ITS on reporting.

60. Several respondents reminded that the responsibility for renewal of their LEIs lies with the NFC- and consider that there should not be an additional requirement put towards the FC in this context with regards to the paragraph 72 of the CP. ESMA has no intention to shift the responsibility or to set an additional requirement. Nevertheless, ESMA considers, that the FC would benefit from supporting the NFC- in the process of LEI renewal as it would help reduce the risk of rejection and resubmission caused by outdated LEI of NFC-. There is no question of responsibility or even specific requirement towards the FC in this paragraph, but it merely refers to considerations that could be included in the arrangement between the FC and the NFC-. Therefore, ESMA will not consider these comments in the Guidelines.

61. Some respondents challenged the proposal raised by ESMA in the paragraph 73 of the CP relating to the possibility for FCs to provide NFC- on a regular basis with the information concerning the contracts that are outstanding at the TRs. Similarly, to the considerations here above with regards to LEI renewal, this paragraph is merely a suggestion rather than a requirement towards the FC. ESMA acknowledges that nothing prevents NFC- to onboard directly to a TR and have access to the data that has been reported on their behalf as per Article 18 of RTS 150/2013, nevertheless ESMA does not expect that the majority of NFC- will use this opportunity. Therefore, ESMA invites FCs to consider whether they would be willing and able to provide support to NFC- that are their clients in fulfilling their EMIR obligations and NFC- to consider such opportunity when agreeing on the arrangements required under the Article 9(2) of the ITS on reporting.

62. A respondent requested ESMA to clarify the responsibility of reporting when a NFC- traded with EU FC and the EU FC became TC FC (e.g. Brexit) or when an ETD contract becomes an OTC contract or vice versa. ESMA acknowledges that such situations have occurred in the past and might occur again in the future and considers that in such cases the Level 1 and 2 provisions should be strictly followed, i.e. the reporting obligation will depend on the situation as it stands on the event date. ESMA has integrated these scenarios in the Guidelines.

63. A respondent suggested that the responsibility for reporting of ETDs should be transferred to “Clearing Banks or CCPs”. As this is not consistent with Level 1, ESMA did not take this proposal into consideration.

64. A respondent asks who is required to update reports submitted to the TR that have been concluded before EMIR Refit entered into force and that do not meet the requirements of the latest technical standards during the transition period of 180 days. ESMA considers that a limited number of trades should be impacted as all trades concluded after 1/11/2017 or subject to a reporting event since that date should be aligned with the current reporting standards. Furthermore, ESMA considers that the arrangements between the NFC- and the FC should take into account such situations in order to ensure the continuity of the reporting and avoid duplication.

65. A respondent asked for clarification on the term used in paragraph 66 of the CP “predefined standard values”, in particular to clarify if the CP refers to specific transaction attributes that are supposed to be populated by the FC by default. ESMA referred to the fields that are specified in the Article 9(2) of the ITS on reporting, in relation to the details of the derivative contracts the FC cannot be reasonably expected to possess and are unknown to the FC. ESMA has included an example in the Guidelines.

66. A respondent recommended ESMA to consider "mirrored trades" by TRs for trades under the allocation of responsibility for reporting. Similarly another respondent considered that when a trade is submitted on behalf of both counterparties, then only the leg related to the NFC- that has not renewed its LEI should be rejected and not the leg related to the FC. While ESMA is aware that it is currently possible to submit a single trade with both legs at some TRs and the TR then generates the

'mirrored trade', ESMA considers that the principles of such reports are not in line with the new requirements laid down in the Article 1(4) of the RTS on reporting.

Q15. Are the current illustrative examples providing clarity and are there other examples that should be incorporated in the guidelines?

67. In the CP, ESMA included a table with illustrative examples on how the major fields related to the parties involved in the reporting are expected to be populated.
68. While most respondents considered Table 1 with examples as sufficient, some respondents suggested to add several other scenarios:
    a. Where the other counterparty is not eligible for an LEI, i.e. there is no leg 2 report.
    b. Example where the traded derivative is an ETD.
    c. NFC+ not delegating to an FC.
    d. A complex example with changes in responsibility and delegations.
69. ESMA has updated the table accordingly.

3.1.4.2 CCP

Q16. Are there any other clarifications required for the reporting obligation related to CCPs?

70. ESMA reminded in the CP that the CCPs are not impacted by the changes in the allocation of responsibilities introduced under EMIR Refit.
71. Most respondents did not express the need for more clarifications.
72. One respondent suggested that CCPs should have a particular responsibility in ensuring that the information they report is consistent with the information reported by their clearing members. As there is no legal basis in Level 1 nor Level 2 to add such requirement, ESMA did not consider this suggestion in the Guidelines.

3.1.4.3 Funds (UCITS, AIF and IORP that, in accordance with national law, does not have legal personality)

Q17. Are there any other clarifications required for the reporting obligation related to investment funds i.e. UCITS, AIF and IORP that, in accordance with national law, does not have legal personality?

73. ESMA provided some clarifications and examples with regards to the allocation of responsibility impacting funds.
74. Most respondents did not express the need for more clarifications.

75. One respondent suggested that, in the case of a fund trading with an NFC- (Table 3), the fund should voluntarily delegate the reporting to its manager. As this suggestion is not compliant with Level 1, ESMA did not retain the suggestions.

76. Two respondents suggested to add examples where the investment fund manager subdelegates the reporting to a third party RSE. In particular, one respondent would like that in this case intermediaries should have access to the reports as well, while these are not identified in the report. ESMA did not retain this suggestion, as it is already foreseen in Article 78(7) of EMIR and Article 4 of RTS on data quality that the counterparty or the entity responsible for reporting might allow for 3rd parties to have access to TR data. In case this does not allow to address the issue raised (e.g. multiple managers to a single fund) the provisions relating to voluntary delegation should apply between the intermediate and the RSE or the counterparty.

3.1.5 Delegation of reporting

Q18. Do you see any other challenges with the delegation of reporting which should be addressed?

77. In the CP, ESMA summarized the legal background of voluntary delegation of reporting and addressed the need for further details on several aspects. Respondents to the CP did not raise any objections to this proposal and mostly supported it. Several respondents asked for more clarity regarding certain aspects.

78. A respondent requested to specify in the Guidelines an expectation of the ERR to on-board the relevant TR in order for this entity to most efficiently be able to monitor compliance. However, such a requirement cannot be stipulated at the level of ESMA guidelines. Another respondent pointed out that if the party providing the delegated reporting service is required to provide regular reports of outstanding contracts, it could introduce additional processing requirements for the delegating party, and it could be easier and less challenging for the delegating entity to on-board to the TR used by the party providing the delegation service. ESMA confirms that no restrictions are introduced for the delegating parties to on-board the TR as they seem fit.

79. Another respondent raised a question whether field 1.2 ‘Report submitting entity ID’ should be populated with the LEI of the entity ultimately submitting the report to the TR in a scenario where there is a chain of intermediary agents used as data providers. ESMA confirms that the ultimate entity submitting the data to the TR should be identified in field 1.2. ESMA is aware that the intermediaries will not be identified in the report, thus providing only limited visibility of the chain.

80. One respondent argued that where the RSE is a third party, the TR may not be able to provide all of the information to third party due to client data privacy concerns, particularly around reconciliation breaks and other data quality issues. For example, if RSE would receive rejections, which would then be passed on to the reporting entities, the RSE would not receive the transaction reports or other pertinent information from the TR. ESMA does not see a need for the TRs to provide the RSE with the transaction data, the RSE which submitted the data to the TR should

already have all the relevant data to which the data quality feedback pertains at their disposal.

81. Further confirmation was sought that the information about the relevant reporting and data quality issues will be mandatory only in the presence of voluntary delegation agreements. ESMA expects that the establishment of delegation of reporting according to EMIR Art. 9(1f) is governed by an agreement between delegating and delegated entity, and the relevant requirements arise as a consequence of existence of such agreement.

82. Several respondents also requested ESMA to clarify that

    e. the delegation of reporting is a different process from the allocation of responsibility for reporting according to section 3.1.4,

    f. any task (individually and separately) related to the reporting of data can be delegated to a report submitting entity.

83. These clarifications were included in the Guidelines.

84. Two respondents asked ESMA to provide further clarifications on the process of authorization / permissioning of a report submitting entity as per Article 1(1)(c) of the RTS on data quality. These requests are addressed in section 3.4.3.1.

3.1.6 Reporting of lifecycle events

3.1.6.1 Action types

Q19. Do you agree that only action types 'Margin Update' and 'Correct' should be used to report collateral?

85. In the CP ESMA proposed that only two action types, 'Margin Update' and 'Correct' are used to report collateral.

86. This proposal was fully supported by the respondents, who argued that this solution will simplify reporting with no detriment to the reported information. Two respondents brought to ESMA attention a few instances where the CP was inconsistent and suggested reporting collateral for the first time with action type 'New'. These parts of the Guidelines were amended accordingly. Similarly, ESMA corrected typos where the action type was incorrectly referred to as 'Market update' or 'Collateral update'.

87. One respondent asked what would be the expected behaviour in case a margin update report is submitted to a TR by mistake, e.g. in case of counterparties without obligation to report collateral on a daily basis, and whether the counterparties should, instead of submitting a margin message with action type 'Error', use action type 'Correct and update field 3.11 'Collateralisation category' to 'UNCL'. Reporting of a collateralised trade as uncollateralised would provide false information to the regulators. If an entity without obligation to report collateral has send a margin update by mistake and does not wish to continue reporting collateral information, it should instead not submit any further margin updates.

88. Following a question from a respondent, it has also been clarified how to report a change in the collateral portfolio code.

89. One respondent stated that the collateral information should be reported for a first time as a derivative report with action type ‘New’. ESMA confirms that this is indeed a possibility when reporting collateral for a given derivative (not at portfolio level). However, counterparties are also free to choose to report collateral for a first time with action type ‘Margin update’.

90. One respondent flagged that correction of historic data on collateral will be burdensome but bring very little value. ESMA reiterates that EMIR sets out an obligation to report correctly, thus when a counterparty identifies a mistake in its old reports, it should send a report correcting such mistake.

91. A question has been posed how historical corrections of collateral should be displayed back to the clients, i.e. whether this is displayed as trade activity only or whether (and how) margin updates should be displayed in the Trade State Report. This aspect has been covered in the Guidelines in the section 7.1.

Q20. Are there any other clarifications required with regards to the use of the action types in general (other than specific aspects covered in the sections below)?

92. While the guidance on the use of action types was considered overall clear and helpful, some additional clarifications were requested.

93. ESMA confirms that amendments to the terms of the derivative should be made with action type ‘Modify’, unless such amendments are correction of a previously reported erroneous information, in which case action type ‘Correct’ should be used. This distinction was already included in the CP and is maintained in the Guidelines.

94. ESMA also confirms that a separate margin report is expected to report collateral at portfolio level, instead of reporting such collateral multiples times for each derivative in a portfolio.

95. One respondent asked whether it is permissible to use ‘Position component’ to cancel trades which are netted to a position, e.g. in the scenario where the trades net to a zero position, hence there should not be any subsequent position to be reported. ESMA reiterates that the report at position level should be made in such case, however the counterparty can subsequently decide whether to terminate the position or not.

96. Following a question raised by a respondent, ESMA confirms that action type 'Revive' can be used to re-open derivatives cancelled (with action type 'Error'), terminated by mistake (with action type 'Terminate') and to reopen derivatives that reached (incorrectly reported) maturity date.

97. ESMA also confirms that ‘Revive’ can be used after the action type ‘Position component’, if the latter was reported by mistake. The revived derivative at the trade level will be perceived as outstanding (subject to the expiration date), which will allow to preserve the same UTI. If the counterparty reported new/modification of a position, it would need to be reverted separately.

98. With regards to the action type ‘Correct’, counterparties should be able to correct the derivative data or the derivative and valuation data or margin data. Validation rules specify which fields are required for this action type.

99. One respondent asked how to correct information in the field ‘Event type’ given that this field is not applicable for action types ‘Correct’ and ‘Revive’. ESMA added a clarification that it is not possible to correct the field ‘Event type’. Counterparties should simply send an appropriate ‘Event type’ in the next report.

3.1.6.2 Sequences of action types

Q21. Do you agree with the sequences proposed? Please detail the reasons for your response.
Q22. Are there any specific scenarios in which the expected sequence of action types is unclear?

100. The main feedback received from the respondents concerned the lack of possibility to use action type ‘Revive’ after 30 days from the cancellation, termination or expiration of the derivative. The respondents raised a number of concerns, linked mainly to the costs and complexity of having two different solutions, lack of procedures for re-generating the UTIs in such scenario, inconsistency with the global UTI guidance and lack of traceability of reopened trades from the data user perspective. The 30-day limit was proposed by ESMA to minimise the negative incentives for not having procedures in place by the counterparties to control the proper use of action types as well as to avoid the situations where a derivative - following 30 days in non-outstanding status - is removed from the reconciliation process and needs to be reinserted afterwards. However, upon careful analysis of the arguments presented by the respondents ESMA decided to remove the 30-day limit. Notwithstanding, ESMA highlights that counterparties should strive to report correctly cancellations and terminations, rather than rely on the possibility to use action type ‘Revive’. Proper use of the action types is one of the aspects that can be examined by the supervisors to ensure high data quality.

101. Furthermore, some respondents commented that the requirement to report in sequence all missing lifecycle events until the date of revival is too onerous and/or redundant, particularly with regards to reporting of corrections. ESMA reiterates that this requirement stems from the provision in EMIR to report each conclusion, modification and termination. Importantly, this requirement is to ensure that authorities have complete trade activity information and to avoid wrong incentives for counterparties to use ‘Revive’ instead of reporting correctly during the lifetime of a derivative.

102. Notwithstanding the above, it is not necessary to submit a correction message if the only correction was to update the derivative to outstanding status, given that this can be inferred from the ‘Revive’ report itself. ESMA added this clarification to the Guidelines.

103. ESMA has taken on board drafting suggestions made by a respondent to better clarify that counterparties are not expected to report expiration of a derivative upon reaching a scheduled expiration date.

104. One respondent commented that action type ‘Margin update’ should be included in the graph showing the allowable sequences. ESMA clarifies that it’s already included and simply referred to as ‘Collateral’.

105. One respondent suggested also to remove from that graph indication that a derivative is non-outstanding in the box referring to errored derivatives. ESMA maintained this indication with a view to clearly indicate in the graph in all circumstances which derivatives are considered outstanding and which not.

106. One respondent suggested that additional clarification, e.g. in the form of matrix of allowable sequences would be helpful. ESMA recalls that such format was used in SFTR guidelines but it was considered confusing by some respondents as it was not clear if it shows only the possible direct sequences or possible sequences where other events could be reported in the meantime. The flow diagram was considered more precise in this regard as it clearly shows which action types are allowed immediately after a given action type.

107. Respondents raised also a number of questions related to the validations of events and of the event date by the TRs. Such questions were addressed by updating the validation rules.

108. One respondent commented that late reporting of a derivative that is no longer outstanding would follow the same pattern in the chart as report with action type ‘Position component’. ESMA added a clarification in this regard.

109. One respondent commented that the chart allows for late reporting of collateral, however the validation rules require that at least one derivative to which collateral pertains is outstanding. ESMA confirms that late reporting of collateral is possible and updated the validation rules accordingly.

110. One respondent suggested to clarify that TRs should validate that report with action type ‘Revive’ does not change any of the previously reported details. ESMA reiterates that, as specified in the CP, ‘Revive’ should contain all details as of the time of revival, therefore any such detail may be different from the derivative characteristics as of the date it was cancelled/terminated by mistake.

111. One respondent asked if there would be any restrictions on the ordering of how lifecycle events and ’Revive’ messages are submitted. ESMA does not envisage such restrictions, other than the allowable sequences illustrated in the chart.

112. One respondent asked which action type should be used to modify incorrect expiration date of a terminated trade, and the new correct expiration date is also in the past. ESMA considers it to be an example of a correction (to be reported with action type ‘Correct’) and does not see a need to address it specifically in the Guidelines.

113. Following a question from respondent, ESMA added a clarification concerning sending a correction for a derivative reported with action type ‘POSC’.

114. One respondent asked if same rules on permitted sequence of action types would apply for pre-Refit data, both for outstanding and non-outstanding derivative contracts. ESMA confirms that having a different set of sequencing rules specifically for pre-Refit derivatives was not considered, therefore no change has been made to the Guidelines in this regard.

115. Finally, respondents raised a number of questions related to the reporting and validation of reports in the context of 30-day limit for sending 'Revive'. Given that the limit was removed, the questions are no longer pertinent.

3.1.6.3 Action types and event types combinations

Q23. Are any further clarifications needed with regards to the action type - event type combinations or their applicability?

116. The respondents overall welcomed the clarifications.

117. Two respondents suggested that more examples should be provided in the table. ESMA clarifies that the more comprehensive list of examples of business events is provided in the section on mapping of business events. The main purpose of the table in this section is to clarify the applicability of different combinations of events. Nevertheless, ESMA added to the examples a few clarifications to address the questions raised explicitly by the respondents.

118. A few respondents expressed concern that market participants do not have a clear data source to determine the appropriate event type for a particular action and encouraged ESMA to provide input as to how event types should be approached from a data sourcing and implementation perspective. ESMA acknowledges the request, however such guidance would necessarily be firm-specific and thus is not appropriate for the Guidelines.

119. A few respondents asked also about dependencies between event type and other reportable fields. ESMA clarifies that some of these dependencies may be verified in the validation rules (in which case will be clearly specified therein).

120. One respondent flagged a potential inconsistency between the table in this section and the validation rules, however in ESMA's understanding the comment pertained to different fields (field 'Event type' with value 'PTRR' and the field 'PTRR' which is a boolean flag). ESMA highlights that these are 2 separate fields.

121. One respondent stated that the action type 'New' should be able to be reported without an event type at a position level, the same as the action type 'Modify', since there could be more than one type of business events that occurred intraday, which lead to a new position. ESMA has not included such clarification in the Guidelines because a new position should be reported with the event that led to its creation, and only then any other intraday events can be reflected in the end-of-day report with no event type.

122. Some respondents asked about a clear delineation between events 'Step-in' and 'Allocation' inquiring in particular which event should be used in the case of deal novation. ESMA confirms that event type 'Step-in' should be used in the case

of novations, whereas 'Allocation' is expected to be used in the case of block trades. The relevant example was already included in the Guidelines section on the mapping of business events.

123. One respondent argued that the proposed way to report termination of a trade 'in advance' (with an action type 'Modify' and event type 'Early termination') is taken from SFTR framework where it is used to report settlement fails and that it should not be applied under EMIR. ESMA highlights that this way of reporting terminations agreed in advance is already in place under the current technical standards and will be maintained under the amended technical standards.

124. One respondent asked if it will be possible to limit the content of the correction report to the valuation data only. ESMA clarifies that entities will be able to send the derivative data only or the derivative and valuation data, which is reflected in the validation rules and XSD schemas. Furthermore, the respondents asked how many reports should be sent to correct previously submitted incorrect valuation updates. ESMA included a relevant clarification in the Guidelines in the section 7.1.

125. A question has also been raised whether the combination of 'Modify' and 'Step-in' would only be used for a partial novation and whether this is consistent with footnote 15 in the CP which stated that "The term 'Step-in' is used, as novation may refer also to updates to the terms of the trade that do not transfer the derivative to a different counterparty". ESMA confirms the understanding regarding the applicability of the combination of 'Modify' and 'Step-in' and clarifies that the footnote was included merely to make clear that 'Step-in' should not be used to report novations when only some trade details are amended, but no transfer to another counterparty takes place.

126. One respondent asked how TRs should update the field 'Event type' in the TSR after a counterparty reported an event for which 'Event type' is not applicable. The respective clarification is provided in the section 7.1.

127. One respondent flagged that reporting of field 'Event type' at position level is not mandatory, but it is required by the draft validation rules. ESMA updated the validation rules accordingly.

128. One respondent asked if it is necessary to submit multiple modification messages with different event types for modifications on trade level, where multiple events could occur on the same day just like for positions. ESMA clarifies that this is expected and flags that in the case of position-level reporting the relevant events are in most cases reported separately at trade level (e.g. all conclusions and terminations of derivatives at trade level that lead to modifications of a position).

3.1.6.4 Lifecycle events and use of linking IDs (Prior UTI, PTRR ID, Subsequent position UTI)

Q24. Is it clear when the linking IDs should be used, and in which reports they should be provided? Do you agree that the linking IDs should be reported only in the reports pertaining to a given lifecycle event and should not be included in all subsequent

reports submitted for a given derivative? Are any further clarifications on linking IDs required?

129. The respondents overall supported the guidance on the use of linking IDs. They also supported that the linking IDs should be reported only in the reports pertaining to a given lifecycle event arguing that this gives a clearer overview of the current state of the outstanding contract.

130. Some respondents flagged however that reporting of subsequent position UTI is technically challenging and that for ETDs, one execution may ultimately end up in multiple positions, e.g. in the case of a split or cascading. The case of cascading has been addressed in the section on mapping of business events where it is clarified that counterparties should report termination of the original trade and report the resulting trades with action type 'New'. In the case of a split, understood as dividing a trade and allocating it to multiple positions, the counterparties should report termination of an original trade and the new positions / modifications of existing positions, as appropriate. The event type which should be used in this case is 'Allocation' and counterparties should populate field 'Prior UTI' when sending a report with action type 'New' or 'Modify'. The relevant use case was added to the section on mapping of business events.

131. One respondent asked also whether a prior UTI would be required in the case of a transfer of an ETD position (using event type 'Step-in'), flagging that for ETD positions multiple transfers can occur in the course of a day and they would be reported at the end of the day as a single modification of an existing position. ESMA reiterates that intraday reporting of changes to a position is not necessary and flags that in the case of modification at position level, the indication of the event type is not mandatory, thus the prior UTI would also not be mandatory as the population of the field 'Prior UTI' is verified only for certain events.

132. Two respondents suggested to align EMIR with SFTR and clarify that CCPs are not expected to report the prior UTI of the bilateral derivative that is cleared. This suggestion however is not in line with the RTS on data quality which list the field 'Prior UTI' as reconcilable field. Furthermore, in the case of derivatives, the field 'Prior UTI' forms part of a globally agreed guidance on critical data elements.

133. Respondents requested also a clarification whether the linking ID values should persist in the TSR if no subsequent submission updating these fields was received. The relevant clarifications were included in the section 7.1.

134. Two respondents asked also how multiple choices for events need to be handled in terms of priority as there may be instances in which an action is driven by more than one event type. ESMA considers that in principle it should be feasible to determine and report a single event type for each reported lifecycle events, except for modification reports at position level for which event type is not required.

135. ESMA updated the paragraph 122 (numbering as per the CP) to correct a typo and include an additional precision requested by the respondents.

3.1.7 Reporting at position level

Q25: Do you agree with the ESMA´s approach related to leaving the 'Event type' blank in the case of multiple events impacting the same position on a given day? How often multiple events/single events impact the same position on a given day? Have you assessed the single versus multiple events impacting positions on a given day? Do you have systems or methods to distinguish between one or multiple events impacting the positions on a given day?

136. In the CP, ESMA included a proposal related to leaving the field 'Event type' blank in the case of multiple events impacting the same position on a given day.

137. In general, most respondents were in favour of or not against this proposal.

138. Some additional proposals made by the respondents were as follows:

a. Event type should be left blank when reporting positions in general, not only in the case of multiple events impacting the same position.

b. To design a methodology to logically derive event types based on certain criteria.

c. In case that multiple events impact a position on the same day, at least the last event type should be populated.

139. Furthermore, some respondents commented that there is not a large number of events impacting a position on a same date. On the other hand some respondents flagged that it is burdensome to identify the events impacting positions as well as to distinguish whether a given position was impacted by one or multiple events.

140. Therefore, considering the respondents´ answers, ESMA retained its proposal to leave the field 'Event type' blank in the case of multiple events impacting the same position on a given day. As well as, and because reporting of field 'Event type' at position level for action type 'Modify' is not mandatory, ESMA has updated the validation rules accordingly.

Q26. Do you agree with the proposed clarifications concerning population of certain fields at position level?

141. With regards to this question, the most common suggestions made by respondents were the following:

a. Reporting of flat/net zero positions: Most of the respondents considered that the reporting of daily zero contract values for flat ETD positions is burdensome and unnecessary, as it does not provide any added value and it reduces oversight capabilities due to the increased number of submissions.

b. 'Maturity date': Many CCPs report the settlement date as the maturity date given that the contract remains on the CCP's books and records until settlement. The respondents flagged also a discrepancy in the naming of field 'Expiration date' between the validation rules ('Expiration date') and the CP ('Maturity date').

c. ‘Execution timestamp’ and ‘Clearing timestamp’: The respondents suggested to leave these fields empty for all ETD positions as an alternative to the proposals made in the CP which were considered burdensome.

d. ‘Notional’: In general, the respondents communicated that populating the field ’Notional‘ with the product of two fields which are included in the reporting record was redundant as well as highlighted insufficient guidance on the reporting of field ‘Total Notional Quantity’. Some of them expressed the idea of using the reference amount of the underlying instead.

142. Concerning the reporting of flat/net zero positions, ESMA retained the clarification provided in the CP, stating that once a position becomes zero, the counterparties can report in one of the following ways:

a. Termination of the position and, if new trades are concluded at a later stage, reporting of a new position using a different UTI.

b. Maintaining the position open and reporting a zero contract value on a daily basis.

143. Maturity date is commonly and generally defined as the date at which obligations under a derivative transaction stop being effective. Therefore, the practice developed by CCPs when they report maturity date as settlement date should be avoided.

144. The discrepancy with regards to the naming of the expiration date will be amended, so that the term applied in the RTS on reporting (‘expiration date’) is used consistently also in the Guidelines and the validation rules.

145. To avoid inconsistent reporting, ESMA further clarified and updated in the Guidelines how to report ‘Execution timestamp’, ‘Clearing timestamp’ and ‘Effective date’, aligning them better with the definitions included in the RTS on reporting.

146. Computation of notionals at trade level is specified in the Article 5 of the RTS on reporting. However, taking into consideration that a position comprises several trades, ESMA decided to retain in the Guidelines further clarification concerning the calculation of notional at position level to ensure that the systemic risks pertaining to the outstanding exposures are correctly reflected in the reports. It should also be noted that fields ‘Quantity’ and ‘Price multiplier’ were removed from the revised RTS on reporting, reducing in this way redundancies in the reportable details related to the notional.

Q27: Do you need any other clarification with regards to the position level reporting?

147. Most of the respondents expressed concerns about the optionality of reporting ETD positions. They were of the opinion that the best manner of reflecting the systemic risk of these trades is reporting always at position level. Only one respondent was in favour of reporting ETD trades at both position and trade level. In this regard, ESMA reiterates that reporting at position level is not mandatory because all the conditions stated in the Article 3 of the RTS on reporting must be fulfilled for the position-level reporting to be allowed. Furthermore, one of the

conditions is that the counterparties to the derivative agree that the derivative should be reported at position level. ESMA would like to stress the importance of the general obligation according to which the counterparties need to agree the report's contents before submitting it to TRs. This obligation stems from the requirement of Article 9(1) of EMIR.

148. Some respondents communicated the difficulty of reaching an agreement between the counterparties when reporting at position level because of the volume of transactions and the burdensome task associated with it.

149. One respondent asked for clarification about the reporting of lifecycle events at position level. ESMA reiterated that when a trade is terminated and included in a position, all the subsequent updates, including valuation updates, collateral updates and other modifications and lifecycle events, should be reported at position level and they should not be reported for the original derivative at trade level (Article 3(3) of the RTS on reporting).

150. Although the reporting of the field 'Venue of execution' is optional at position level, one respondent communicated that this field at this level could be considered as useless because the different trades which constitute a position could be executed on different trading venues. This same respondent raised concern about the optionality of this field at this level and the inclusion of this field in the scope of reconciliation. ESMA clarified that at position level, the 'Venue of execution' field, should be populated with the MIC code (defined by ISO 10383) of the venue where the highest number of derivatives that are included in the reported position were executed. Given that trades included in a position could be executed in different trading venues, the field 'Venue of execution' is optional at position level in the validation rules. However, the condition of agreement of the counterparties involved still applies and counterparties are expected to report consistently.

3.1.8 Reporting of on-venue derivatives

Q28: Are there any other aspects that should be clarified with regards to reporting of on-venue derivatives?

151. Several respondents asked for clarifications with regards to the Report Tracking Number (RTN). In particular, they asked if there is a link between the RTN and the Trading Venue Transaction Identification Code (TVTIC). Furthermore, respondents asked if RTN is required for trades concluded on a SI (Systematic Internaliser). Many respondents asked also for more clarification about the format, the methodology to develop, the features for different counterparties involved and the dissemination among entities when reporting the RTN. Finally, some respondents asked for clarification about what should be populated in this field for a CFD that is included in a position. ESMA included the relevant clarifications about the RTN in the Guidelines.

152. Some respondents requested also a clarification with regards to reporting of a transaction opened and then closed during the same day. ESMA further clarified in the Guidelines the reporting of intraday derivatives.

153. In relation to when the process of collateralisation takes place through direct arrangements between the client and the clearing member, one respondent asked clarification whether in the case where a clearing member delegates reporting to the CCP, the latter would need to submit any report on the value of the collateral as well as any subsequent modification or termination. ESMA confirmed that in this case the CCP would submit relevant reports as the submitting entity on behalf of the clearing member. Only in the particular case when an investment firm is not involved in the process of receiving and/or posting any collateral for the client because of the direct arrangements between the client and the clearing member, the investment firm is not expected to submit any report.

154. Regarding the reporting of a derivative concluded on a trading venue and then cleared on the next day, some respondents asked about the logic of the reporting and the identification of the counterparties involved when the trade has been filled via an anonymous order book. The relevant clarifications were included in the Guidelines.

155. One respondent asked for a clarification about the execution on regulated markets (RMs) and the concept of ETD. Given that OTC derivatives, as defined under EMIR, can be executed on trading venues such as MTFs and OTFs, there could be confusion with regards to delineation between ETD and OTC. For the purpose of clarifying the reporting for derivatives concluded on RMs, MTFs and OTFs, ESMA refers in the Guidelines to 'on-venue derivatives'. The relevant guidance applies to all on-venue derivatives, irrespective of whether they were executed in any kind of trading venue as defined in MiFID II.

3.1.9 Timely reporting of conclusion, modification and termination of a derivative

Q29. Do you agree with the proposal for reporting conclusion of derivatives? Please detail the reasons for your response
Q30. Do you agree with the proposal for reporting modifications and corrections to derivatives? Please detail the reasons for your response.
Q31. Do you agree with the specification of the 'Event date' for different action types?

156. A majority of the respondents welcomed the clarifications related to the timely reporting, however a number of questions have been raised.

157. A few respondents expressed concerns regarding the requirement to report modifications when they become effective, rather than when they are agreed. Those respondents argued that delaying the reporting of future dated events is likely to add additional cost and complexity for reporting systems and it will require all market participants to develop and implement processes that are able to identify when reporting should be delayed and on what future date to report. According to the feedback, most of the booking systems used on the market will be updated with the modified data on the day of agreement. Furthermore, the respondents expressed a view that delaying the reporting of modifications hinders the transparency. ESMA took note of these concerns, however the initial proposal was maintained, as this way of reporting ensures that the reported derivative characteristics reflect accurately at all stages the economic reality. For example,

reporting of a reduced notional where such reduction was agreed only for a future date, would result in an underestimation of the outstanding exposure.

158. However, it should be noted that in the specific case of early terminations agreed in advance, the counterparties are expected (by the end of the working day following the date of such agreement) to report a modification amending the field 'Expiration date'. There is no contradiction between this requirement and the general expectation to report modifications when they become effective, because the amended 'Expiration date' forms part of the updated terms of the contract (is 'effective') following to the agreement. Therefore, the regulators would have at all stages the most accurate information concerning the outstanding duration of the derivative. This specific case was already covered by the CP in the section 5.6 and corresponds to how early terminations agreed in advance were already reported under previous EMIR technical standards. Only one respondent opposed such way of reporting of the early terminations agreed in advance.

159. Two respondents asked which event date should be reported in case of modifications messages to be sent for the reporting of an early termination agreed in advance. ESMA added a relevant clarification in the Guidelines.

160. One respondent suggested to clarify that trades and positions are automatically considered to be exited once the reported expiration date has passed. Such clarification was already included in the CP and is maintained in the Guidelines.

161. One respondent asked whether the warnings feedback on late reports should consider local calendars and local time given that the counterparties report in UTC, flagging that TRACE functional specifications indicate that 'All late reports' query should return late reports based on the difference between the reporting timestamp and execution timestamp. In this regard ESMA clarifies that late reports are not covered in the scope of warnings reports under the RTS on data quality (section 7.3.2 of the Guidelines).

162. Two respondents found the paragraph 179 (numbering as per the CP) confusing and potentially redundant. ESMA clarifies that this explanation, while may seem evident, was included to address a doubt raised by a respondent to the Consultation of Guidelines on SFTR reporting in his feedback on the equivalent section. ESMA redrafted the paragraph to avoid any confusion.

163. One respondent asked whether TRs should include modifications in reconciliation process even when they refer to future dates. ESMA reiterates that reporting of future-dated modifications is not expected therefore this question is not relevant.

164. One respondent stated that it is understood that whenever a lifecycle event is submitted for a derivative contract, TRs should persist in the TSR values previously reported whenever such fields are not applicable in the lifecycle event that is being submitted and should update to value blank whenever the field is optional/conditional and the entity decides not to report it. A clarification in this regard was included in the section 7.1.

165. One respondent stated that field ‘Event date’ is redundant and it could be inferred from the field ‘Reporting timestamp’. ESMA disagrees with this statement, given that the counterparties are free to choose between reporting on T+0 or T+1. Furthermore, such approximation would not work in case of late reports.

166. One respondent asked if paragraph 183 (numbering as per CP) implies that there would be no possibility to report/correct historical margins, after the trade has been terminated. ESMA confirms that this is not the intention and the relevant paragraph was updated.

167. Furthermore, several respondents provided comments on the two alternatives in relation to the treatment of the field ‘Event date’ by the TRs for the construction of the TSR. These comments were analysed and addressed together with the feedback received to the questions in the section of the Guidelines dedicated to the TSR.

3.1.10 Mapping business events to action types and levels

Q32. Do you agree with the interpretation of the business events and the suggested action and event types?
Q33. Are there other business events that would require clarification? If so, please describe the nature of such events and explain how in your view they should be reported under EMIR (i.e. which action type and event type should be used).

168. ESMA provided a table for mapping of business events to the reportable action and event types. Feedback was sought to understand if there are further events that needed clarification.

169. While respondents mostly deemed the table useful and adequate, some events were highlighted where more clarity is needed.

170. Two respondents raised the scenario of cascading ETDs, which is understood here as the event where, e.g. a yearly futures contract transforms into four outstanding quarterly contracts spanning the same year. The respondents suggested to terminate the existing contract with action type ‘Terminate’ and report the new contracts with action type ‘New’. ESMA agrees with the interpretation and has added the event to the table. Furthermore, it is clarified that event type ‘Trade’ should be used.

171. One respondent asked for clarification on the details on how and when the changes in price of position level reports should be reported. This is covered in the dedicated section on position level reporting.

172. One respondent pointed out the ISO 20022 table[12] for corporate action codes and asked if the events in that table could be included in the mapping table. While ESMA in general supports the usage of standards, the ISO 20022 table seems to mostly contain events that are clearly not reportable (as clarified by the overall principles of reportability). However, ESMA has added an item ‘Other corporate

[12] https://www.iso20022.org/standardsrepository/type/CorporateActionOption5Code

actions' to the table. ESMA believes that many corporate action events can be unique in nature. Hence, giving more detailed guidance on universal level is challenging.

173. Two respondents highlighted the lack of guidance on the action and event types of the new trades resulting from an allocation. ESMA has added this to the table. Finally, ESMA has made some further minor additions and corrections to the mapping table.

3.1.11 UTI generation

Q34. Which approach do you prefer to determine the entity with the soonest reporting deadline? Please clarify the advantages and challenges related to each of the approaches.
Q35. Are there any other aspects that need to be clarified on UTI generation?

174. With regards to the UTI, ESMA consulted on aspects related to the UTI generation, in particular on the approach to determining the counterparty with the sooner reporting deadline.

175. ESMA proposed to consider 3 alternative approaches: (i) execution clock approach, where each counterparty should assess the reporting deadline according to its own time zone, (ii) semantic approach, where a T+1 end-of-day reporting deadline is equivalent to any other T+1 end-of-day reporting deadline and (iii) follow the sun approach, whereby there would be a static order of jurisdictions, based e.g. on the timezones.

176. Overall, majority of respondents that answered on this aspect supported the semantic approach, a few respondents supported the follow-the-sun and no support was expressed for the execution clock approach. The respondents who supported the follow-the-sun approach, argued that it would be easier to implement than the execution clock approach, but would make more sense than the semantic approach where timezones are not considered at all. On the other hand, the respondents who preferred the semantic approach, flagged that the follow-the-sun approach based on timezones would put a burden on counterparties in the East and that this extra step of the waterfall seems to be unnecessary as there should be enough time for the UTI generation, independently from the timezones.

177. Given that the guidance on determining the sooner reporting deadline will need to be coordinated globally with other jurisdictions, ESMA refrains at this stage from including this aspect in the Guidelines. The feedback from respondents will feed into the discussion at international level.

178. Furthermore, respondents pointed out to additional aspects that may require a clarification.

179. Regarding the determination of the sooner reporting deadline, one respondent flagged that it will be challenging under any approach given the need to determine it on a trade-by-trade basis depending on the location of the trader or salesperson. In this regard it is important to note that the determination of the sooner reporting deadline refers to the counterparties only and any nexus reporting deadline should

not be considered in this context. A relevant clarification has been added to the Guidelines.

180. Several respondents suggested that the step in the UTI generation waterfall that includes the TR generating the UTI should be removed. This step however, even if in principle not expected to materialise for the EU counterparties, follows the global UTI Technical Guidance and as such should be retained. It has also been included in the ITS on reporting.

181. It has also been suggested to refer to the ISDA logic for using buyer/seller convention as counterparties agreement method. Requiring the counterparties to use such logic would be inconsistent with the global guidance and the ITS on reporting, however the Guidelines clarify that where the counterparties reach the counterparties' agreement step in the UTI generation waterfall, they can bilaterally agree on using a specific logic, such as the ISDA convention.

182. A few respondents made further proposals regarding the specific steps of the UTI generation flowchart and the timeline for provision of the UTI. Such comments were not taken on board, as the UTI generation logic and timeline for sharing the UTI are enshrined in the ITS on reporting and cannot be altered by the Guidelines.

183. A few respondents also suggested to allow the UTI receiving counterparty to generate the UTI itself, past a certain "cut-off" time, for example 09:00 T+1, which would ensure the receiving counterparty still meets the regulatory reporting deadline. This would be however inconsistent with the ITS on reporting. As clarified in the Guidelines, in such cases the receiving party should contact the generating party and enquire about the process instead of reporting using a UTI generated on its own. Only if the other counterparty is not EU-based (and thus not subject to the supervision in the EU), the reporting counterparty could generate an UTI on its own in order to meet the reporting deadline.

184. One respondent has also commented on clearing members and CCPs having a different view on what constitutes the reportable position, e.g. where a CCP may report a position at account level, whereas a clearing member at treasury desk level. In this regard ESMA recalls that as a principle the CCP is responsible for the UTI generation and as such should provide the clearing member with the UTIs for the relevant positions, which should be then used by the clearing member for the purpose of reporting.

185. A respondent flagged issues with possibility to validate by the TR the UTI generated within a regime that has differing UTI rules. In this regard ESMA recalls that the same UTI requirements should apply in all jurisdictions implementing the UTI Technical Guidance. i.e. if the UTI generation hierarchy is followed, the formatting requirements should be as well.

186. One respondent also noted that ESMA should consider UTI implementation timeline across different jurisdictions. ESMA acknowledges that the differences in the implementation timelines may cause temporary issues with the UTI generation, however it is not feasible to fully coordinate the timeline at the global level.

187. One respondent enquired about any specific requirements with regards to the methods and formats for sharing the UTI. ESMA included in the Guidelines a clarification on best practices to ensure the efficient communication, however ESMA acknowledges that no new requirements should be introduced in the Guidelines. Furthermore, ESMA is cautious that too specific requirements in this regard could favour specific technical solutions or service providers.

188. Following to the questions received in the feedback to the CP, ESMA has also included in the Guidelines a clarification on the applicability of the 10:00 a.m. deadline for UTI communication to the reports at position level as well as a clarification on the possibility to delegate the generation of the UTI.

3.1.12 Determining counterparty side

Q36. Are there any other types of contracts for which the determination of the counterparty side needs more clarity?

Q37. Are there any other clarifications required with regard to the determination of the counterparty side (other than specific aspects covered in other sections)?

189. In the CP, following the Article 4 of the ITS on reporting, ESMA provided that the counterparty side to the derivative contract should be determined at the time of the conclusion of the derivative on the basis of the type of contract concluded.

190. Under this provision, the counterparties should determine the counterparty side at the time of the conclusion of the derivative and report either 'Buyer'/'Seller' in field 'Direction' or 'Payer'/'Receiver' in fields 'Direction of Leg 1' and 'Direction of Leg 2' depending on the type of contract concluded.

191. The vast majority of respondents have not raised any issue with the determination of the counterparty side and declared that the guidance is sufficiently clear and complete.

192. However, some of the respondents requested some clarifications regarding the determination of the counterparty side for FX forwards and Non-Deliverable Forwards (NDFs). On this aspect, while the FX forwards are classified in the table provided in the CP under the currency forward type of contract category, NDFs type of contract and their determination of direction were added as an additional reference to the table provided in the CP.

193. Furthermore, in relation to the determination of the counterparty side using the most recent trade for the reporting of a position when it is the result of netting of the position to 0, many respondents argued that the practice is inconsistent and leads to reconciliation breaks as counterparties might book or close down positions in different orders. In addition, they argued that the value zero is mathematically neither positive nor negative, therefore it is problematic assigning what is effectively a sign in the form of side for netted positions where the quantity by definition is zero. On this aspect some of them proposed to remove from the reconciliation the counterparty side fields when a position is netted to 0. Alternatively, they proposed to leave this field blank when a position is netted to 0.

194. Considering that the fields related to directions cannot be left blank and should always be reported as per the RTS on reporting, ESMA decided that the most practical way forward is to remove from the reconciliation fields related to directions when the positions are netted to zero.

3.1.13 Identification of counterparties

Q38. Are there any other clarifications requested with regards to the identification of counterparties?

195. The CP provided that the counterparty 1 to a derivative and the entity responsible for reporting should ensure for the purpose of reporting the conclusion or modification of a derivative that the reference data related to its ISO 17442 LEI code is renewed in accordance with the terms of any of the accredited Local Operating Units of the Global LEI System.

196. On this aspect, some respondents argued that action type 'Revive' should be included as one of the action types where a lapsed LEI is permitted because where the reporting counterparty or the ERR with a lapsed LEI report action types 'Termination' or 'Error' by mistake and move a trade to a non-outstanding status, it should be possible to revive the trade without having to re-new the LEI first. However, this comment could not be taken into consideration because if an entity needs to revive a trade it should be required to have a valid LEI, as per the Article 3 of the ITS on reporting, as in principle it would have open trades.

197. Some other respondent asked for some clarification regarding the point in time in which the LEI status should be validated by the TRs. ESMA assessed pros and cons of different options, such as validating as of the event date or as of the day of reporting and clarified that TRs should check the validity of the LEI as of the day of reporting. The exact validation comprising specific rules for different action types is set out in the validation rules.

198. One respondent asked for a clear guidance on whether for action types 'Error' and 'Termination' TRs should check that the LEI is included in the GLEIF database maintained by the Central Operating Unit, irrespective of the registration status of that LEI, or just check it is a 20-character code. In this context, ESMA clarified that the TRs are expected to check whether the LEI is included in the GLEIF database for these action types.

199. Another respondent argued that in the case where the field 'Counterparty 2 identifier type' is populated with 'True', i.e. the counterparty 2 is identified with a LEI code, the population of field 'Country of the counterparty 2' seems redundant since the information can be derived from GLEIF reference data. The comment has been taken onboard and the Guidelines have been amended accordingly.

200. The CP also provided that the client codes should be composed of LEI of counterparty 1 and an internal identifier of individuals, where such identifier should be unique at the level of the given reporting counterparty (counterparty 1). One respondent asked whether the TRs should implement a validation check on client codes in order to verify that client codes contain the LEI of the counterparty 1 and

that the internal identifier of individuals is unique. ESMA confirms that TRs should implement a validation check on client codes to verify if the client code contains the LEI of the counterparty 1, however such validation should be restricted only to reports of new derivatives (action types 'New' and 'Position component') to account for e.g. changes of LEI of the reporting counterparty due to the corporate event. With regards to the uniqueness of the internal identifier of individuals, TRs are not in the position to verify that and therefore are not required to check the uniqueness of the internal identifier.

3.1.14 Procedure when a counterparty undergoes a corporate action

Q39. Are there any other aspects to clarify in the LEI update procedure when a counterparty undergoes a corporate action?

Q40. Are there any other aspects to be considered in the procedure to update from BIC to LEI?

201. In the CP ESMA, following the provisions of RTS and ITS on reporting and RTS on data quality, clarified the procedure and the timelines to be applied to ensure a correct update of derivatives reports when a counterparty undergoes a corporate action resulting in the change of its LEI.

202. ESMA has included in the Guidelines a section on the procedure to be applied by both TRs and counterparties to ensure a correct update of the derivatives.

203. Considering that the procedure provides that the LEI update should occur on the date of the corporate restructuring event, one respondent proposed to postpone the update to the first non-working day following the corporate restructuring event. However, this proposal could not be considered since it would not be in line with Article 2 of the ITS on reporting.

204. Considering that some respondents raised concerns over the timelines of the update, ESMA clarifies that an interim period should not occur since the TRs are bounded by the ITS on reporting to perform the LEI update on the date of the corporate event. However, in case of delay in the application of the corporate action, the TRs should perform the update as soon as possible and no later than 30 calendar days from receiving the request.

205. Furthermore, one respondent proposed to assign the ERR, rather than RSE, the responsibility for the communication of the LEI change to the TRs in order to avoid that third parties used for reporting services should be responsible for communicating the LEI changes. This proposal could not be accommodated considering that reporting counterparties and ERR might not have any contractual relationship with the TRs unlike the RSEs which always have a contractual relationship with the TRs.

206. Another aspect to be clarified, according to one respondent, is related to the rationale behind the broadcast of the information about a LEI update from the receiver TR (i.e. the TR that receives a request for an update from the RSE) to their clients and to other TRs. Clarifying that the communication from the receiver TR of

the corporate action to other TRs is sufficient for the adjustments and that no additional steps are required by other TRs to verify the circumstances, the rationale behind the communication from the receiver TR to their clients and other TRs is that all the stakeholders in the process should be informed about a corporate action in order to make any adjustment in their reporting to avoid rejection/reconciliation breaks.

207. Paragraph 238 of the CP specified that in case of corporate event affecting only a subset of derivatives (e.g. spin offs), TRs should put in place common procedures for updating LEI data on those derivative contracts that could be affected by partial changes of the LEIs. In this regard, one respondent asked whether TRs only need one counterparty or ERR to indicate what UTIs are affected or both counterparties or entities need to agree. On this, ESMA clarifies that both counterparties affected by the spin-off should agree on the derivatives which took part in the corporate action and both counterparties should communicate their TRs the change.

208. Some other respondents asked for clarifications in case the corporate event affects NFC-. In this regards the respondents asked whether the FCs are required to notify TRs in case the NFC- is affected by a corporate event. In this regard, ESMA included a relevant use case in the table in the section 4.4.2.

209. In relation to paragraph 239-241 of the CP, some respondents complained about the process of reviving trades errored or terminated by mistake prior to the corporate event. The reason behind this provision is that the notice of a corporate event represents the moment in which the reporting counterparty or ERR, as applicable, should, in principle, assess the entire perimeter of outstanding derivatives to be affected by the event and the moment in which the counterparties affected by the change could realize that one or more derivatives have been terminated or errored by mistake. In this regard, ESMA reiterates the importance of the assessment by counterparties or ERRs of the perimeter of outstanding derivatives affected by a corporate event before such event occurs.

210. Many other respondents to the consultation needed clarification on the expectations of machine-readable format, i.e. on the format to be used, on how it would be communicated, etc. ESMA clarified that the information about the update of the LEI, as specified in paragraph 3 (b) of Article 2 of RTS on data quality, should be readable in an automatized form and provided in accordance with the procedure put in place by the TRs.

211. With reference to paragraph 237 of the CP, one respondent outlined that the procedure described is not clear enough. For the sake of clarity, it should be noted that the procedure in paragraph 237 of the CP applies to reports pertaining to affected entities in which the affected entities are neither the reporting counterparty nor the other counterparty of the derivative (for example the entity affected by the change is the entity reported in ‘Broker ID’ or ‘Clearing member’ fields). In this case the TR should wait for a confirmation by the affected entities for these reports in due time (i.e. before the corporate action). However, this communication does not impact per se the procedure for updating the LEI due to corporate actions because the fields other than ‘Counterparty 1’ and ‘Counterparty 2’ could always be

amended through the action type ‘Modify’, even after the corporate event takes place.

3.1.15 Identification and classification of products

Q41: Do you require any further clarification on the use of UPI, ISIN or CFI for derivatives?
Q42: Do you require any further clarification with regards to the reporting of fields covered by the UPI reference data? Which fields in the future should /should not be sourced exclusively from the UPI reference data rather than being reported to the TRs?

212. In the CP ESMA clarified when a derivative should be identified with a UPI or an ISIN, how to report classification of a derivative and what are the regulatory expectations with regards to reporting of the product reference data. While overall the proposal was deemed clear, several respondents raised points requiring further clarifications.

213. A few respondents suggested alternative proposals with regards to when a derivative should be identified with an ISIN or UPI, however the way of identification of the derivative has been set out in the technical standards (following also a consultation on this matter) and cannot be altered by the Guidelines.

214. Some respondents inquired how to report in case UPI will not be available yet. ESMA highlights that the UPI system is expected to go-live prior to the reporting start date under ITS and RTS on reporting, thus UPIs will be available. Furthermore, ESMA confirms that the requirement to provide UPI will apply also to relevant derivatives outstanding on the reporting start date, even if previously they were identified with an OTC ISIN (e.g. on a voluntary basis) but will be in the scope of derivatives to be identified with UPI under RTS and ITS on reporting. Counterparties will be able to obtain the respective UPIs given that UPI is expected to be available for each OTC ISIN record.

215. Furthermore, a potential misalignment between EMIR and MiFIR requirements has been brought to ESMA’s attention with regards to the identification of product traded on SIs. In this regard, ESMA confirms that indeed following to the feedback received in the consultation on the technical standards, the objective was to align the scope of derivatives identified with ISIN with MiFIR. The text of the Guidelines was therefore updated accordingly.

216. Some respondents asked if there is any prioritisation between the fields 2.7 ‘ISIN’ and 2.8 ‘UPI’, as well as flagged potential reconciliation issues when the two counterparties use a different identification method. It should be noted though that the ITS on reporting clearly specifies that counterparties should provide only one identifier as well as which type of identifier should be used for a given derivative. Therefore, if counterparties follow the ITS on reporting, the reconciliation breaks caused by a different identification method will not occur. Additionally, to prevent reconciliation breaks, validation rules were updated to specify that UPI cannot be provided for derivatives identified with ISIN. Two respondents suggested also that the validation rules should specify that UPI must be reported when venue is not populated with a MIC of an EU trading venue, however this comment was not taken

on board, given that UPI may not be available in case of certain derivatives traded on third country exchanges.

217. A few respondents asked about the expected validation of the UPI codes to be performed by the TRs. ESMA considered this feedback and updated the validation rules to clarify that the TRs should not only check the conformity of the format of the reported code, but also whether the code corresponds to a valid UPI issued by ANNA DSB. However, at this stage ESMA does not propose consistency checks between the UPI, CFI and other relevant fields ('Asset class', 'Product type' etc.), given that in the future ESMA may cease to require reporting of some of these fields to the TRs.

218. With regards to the classification of a derivative, a few respondents suggested not to require a CFI given that it does not bring additional value on top of UPI. ESMA considers CFI useful for analytical purposes, as it provides a straightforward way of classifying the instruments. However, as noted in the Guidelines, ESMA will consider in the future which of the reference data could potentially cease to be required once the UPI system is fully in place.

219. A few respondents expressed concerns about the requirement to agree on the CFI in case it is not available for certain derivatives. ESMA considered this feedback and updated the Guidelines. In particular, ESMA highlights that CFI forms part of UPI reference data and therefore should always be available for derivatives identified with UPI. In case of derivatives outside of the scope of the UPI for which CFI has not been yet assigned, the counterparties should request it to the relevant NNA.

220. Finally, one respondent asked if CFI must be updated in the case of outstanding derivatives upon the entry into force of the ITS and RTS on reporting. This is indeed the case, in line with the requirement to update as necessary all the reportable fields (except for the UTI which is not expected to be regenerated).

221. With regards to the reporting of the UPI reference data, several respondents asked if a possibility to remove the need to report reference data fields could be extended also to the products identified with an ISIN. ESMA acknowledges that the relevant data could be obtained both from the DSB and FIRDS databases, thus the intention would be to remove the obligation to report same set of reference data fields irrespective of whether the product is identified with the UPI or with the ISIN. Furthermore, ESMA confirms that removing of this obligation will only be considered in the future, after the reporting start date, when the UPI system is fully in place and once the users got sufficient experience with using it. Advance notice, indicating clearly the impacted fields, will be given to the market participants ahead of any changes to the mandatory nature of the fields (as it is usually done in case of changes to the validation rules).

222. Two respondents asked whether – following to the relaxation of requirements for reporting of reference data – the fields in question would be not required or not allowed to be reported for derivatives identified with ISIN/UPI. ESMA has not identified any clear benefit of reporting of such fields on a voluntary basis. On the other hand, ESMA acknowledges that leaving the population of the fields to the

discretion of the reporting parties would lead to inconsistencies in reporting and reconciliation breaks. Consequently, ESMA confirms that the fields would not be allowed to be reported following to the change. Again, the requirements will be clearly set out in the validation rules.

3.1.16 Identification of underlying

Q43. Do you require any further clarification on the reporting of details of the underlying?

223. ESMA received some clarification requests in terms of the part stating: “if it is available”. Furthermore, some respondents asked for clarifications for instances such as on listed rates index reporting where the underlying has an ISIN code. One of the issues raised by respondents was that there is reliance on the reporting of the index name instead on ISIN only, which can be confusing, cumbersome and may lead to reconciliation breaks. ESMA clarified in the Guidelines that in case of indices the counterparties should report always the name of the index as it is currently the only way of identifying indices that is always available. Counterparties should report as well the relevant ISIN and 4-letter indicator, to the extent that those are available, i.e. have been assigned to a given index.

224. Clarification was requested regarding the definition of field 2.18 ‘Identifier of the basket’s constituents’, notably whether indeed the constituents not traded on a trading venue should not be identified. ESMA confirms that only the constituents traded on trading venues are expected to be reported, as only those would always be identifiable with ISIN.

225. ESMA was encouraged to provide more guidance on how index or basket composition could be shared. This request was considered outside of the scope of the Guidelines on reporting.

226. Finally, one respondent asked when to report the underlying and when the reference entity. This clarification was added to the Guidelines.

227. Another respondent asked if ESMA would allow for reporting of other identifiers where ISIN is not available. ESMA clarifies that this proposal is not compliant with the ITS on reporting.

3.1.17 Price, notional and quantity fields

Q44. Is any further guidance required in relation to the population of the ‘Notional’ field?

Q45. Is any further guidance required in relation to the population of the ‘Total notional quantity’ field? How should the ‘Total notional quantity’ field be populated, distinguishing between ETD and OTC and asset class?

Q46. Are there other instances when we would expect to see a zero notional for position reports? Please provide examples. Are there any instances when we would expect to see a notional of zero for trade level reports? Please provide examples.

228. The CDE guidance provided detailed instructions regarding the reporting of notional for different OTC products. ESMA leveraged on the content of that guidance and included it in the RTS on reporting.

229. The 'Notional' is a key field and it is crucial that this field is populated correctly. 'Notional' and 'Notional amount' fields should be populated in accordance with Article 5 of the RTS on reporting.

230. It was highlighted that while the RTS on reporting provides a general framework for calculation, it does not cover non-standard commodity derivatives. The relevant clarifications regarding the calculation of notional for non-standard commodity derivatives and updates of such notional during the duration of the derivative were included in the Guidelines.

231. Some respondents requested further clarification on the notional amount schedule fields. In the case of derivatives involving notional amount schedules, the notional amount input in field 2.55 'Notional amount of leg 1', will also need to be input in the notional amount schedule fields. The same applies for the field 'Notional amount of leg 2', if applicable.

232. In relation to the inconsistencies between the CPMI IOSCO CDE Technical Guidance and the EMIR validation rules raised by some respondents in relation to the notional amount schedule, the validation rules were updated to optional for the 'end date' of the schedule. The 'end date' is not required if the end date is back-to-back with the effective date of the subsequent period.

233. Furthermore, ESMA clarified in the Guidelines, that when reporting a notional amount schedule, the date schedules are to be reported in chronological order. The same logic applies when reporting a notional quantity schedule.

234. With regards to the quantity fields, following the consultation on the technical standards, ESMA decided to proceed with the proposal to remove the fields 'Quantity' and 'Price multiplier' as these fields are not relevant for OTC derivative contracts. Furthermore, ESMA decided to proceed with the inclusion of the field 'Total notional quantity', to ensure alignment with the global guidance on reporting of OTC derivatives data and to ensure consistency of data reported to TRs.

235. Total notional quantity should be understood as the aggregate notional quantity of the underlying asset for the term of the derivative. Where the total notional quantity is not known when a new derivative is reported, the total notional quantity should be reported with a default value and updated as it becomes available.

236. There was a small number of respondents to question 45 with clarification requested as to whether field 'Total notional quantity' is only applicable for commodity and equity products.

237. Total notional quantity applies to ETDs more generally. Based on clarification requested by respondents this field is relevant for equities and commodities. If applicable, it should also be populated for the other asset classes.

238. In the case where a position is netted (the notional becomes zero) two possible ways to proceed were proposed in the CP:

a. The position can be terminated. If the position is reopened it should be reported with a new UTI.

b. Counterparties can maintain the open position and report a zero contract value on a daily basis. If new trades are then incorporated into this position the notional, and other relevant fields, should be updated accordingly.

239. Based on the small number of responses received as well as the limited details provided in these responses, ESMA maintained this guidance on reporting of zero net positions.

240. ESMA also received some feedback to the reporting of price from two respondents.

241. First, one respondent asked if 'Price' field could be applicable in cases other than the ones listed in Article 6(1) of the RTS on reporting. The respondent gave commodity and equity futures as potential examples. ESMA has added a clarification to the Guidelines that the list in Article 6(1) is not exhaustive, and 'Price' field can be applicable also in other cases, such as commodity and equity futures.

242. Second, one respondent highlighted the phrasing in paragraph 253(g) about "floating leg of commodity fixed/float swaps" not requiring the 'Price' field to be populated. ESMA has deleted the mention, as fixed/float commodity swaps are covered in Article 6(1) of the RTS on reporting, thus requiring the fixed price to be populated in the 'Price' field.

243. In addition, one respondent sought clarification on the way different types of total return swaps are to be reported. ESMA confirms that equity total return swaps fall under Article 6(1)(c) of the RTS on reporting, meaning that the initial price of the underlying is to be reported in the 'Price' field. Credit total return swaps, however, fall under paragraph 253(j) of the Guidelines, meaning that the 'Price' field is not applicable to those products.

244. Finally, ESMA has made some drafting improvements to the price section. Paragraph 253(d) in the CP was incorrectly formatted as a list item, even though it should have been a new paragraph and some expressions were changed for the sake of clarity.

3.1.18 Reporting of valuations

Q47. Are there any other aspects in reporting of valuations that should be clarified?

245. ESMA received constructive feedback and some clarification requests on the reporting of the contract valuation.

246. One of the major issues raised by some respondents in relation to the valuation of cleared trades concerned valuation and reporting of the so-called Settle to Market (STM) model transactions as opposed to the Collateralised to Market (CTM) valuation approach, the latter being in line with the proposed draft Guidelines.

247. Regarding this point, the respondents stated that the valuation approach of the draft Guidelines only reflects the reality of CCP valuation for CTM transactions and

does not take into account the STM model functioning. Under STM transactions, the outstanding mark to market (MTM) exposure is settled at the end of the day and thus the MTM exposure is reset to zero on a daily basis. After the end-of-day settlement, the exposure is zero and the only available collateral is the initial margin, which covers the risk of price changes until the next settlement. The respondents also maintained that reporting the accumulated profit/loss numbers would not only be wrong (as it would not reflect the outstanding risk) but would also require CCPs and counterparties to build up a whole new accounting logic.

248. ESMA explored this problem in more detail to better understand the issue that the approach to valuation reporting needs to be adapted in a way that will provide regulators with the most accurate view of end-of-day exposures of entities under the STM methodology while allowing to understand the outstanding risks associated with the derivatives that remain open. ESMA is of the view that allowing for a different way of reporting under CTM and STM models would not pose a problem if data users were able to identify which model was used for a given derivative based on the reportable fields. It should be noted that such additional field has not been accounted for during the review of the technical standards, but it could be considered in the future. ESMA may also explore potential ways to indicate the model using the existing fields.

249. In light of the above, ESMA changed the Guidelines approach to account for the STM model and clarify that CCPs and counterparties can report daily change in the valuation for STM transactions. ESMA recommends that data users pay close attention when processing the data related to valuation and collateral to keep in mind the coexistence of the CTM and STM methodologies.

250. Apart from this point, one respondent was of the view that the Guidelines should be aligned to the CPMI IOSCO CDE guidance. Otherwise, market participants will need to report two different valuation amounts for the same contract where this contract is subject to multiple jurisdictions. ESMA would like to clarify that the reason to report unadjusted value is the fact that the contract value is used to determine counterparty exposure and that collateralisation and margining are reported separately for this purpose. In fact, ESMA notes that currently CPMI IOSCO CDE guidance does not indicate specifically how to report the valuation amount and leaves room for interpretation with regards to the application of the valuation adjustments. In this respect, ESMA will maintain its guidance as proposed in the CP and will liaise with other regulators.

251. As mentioned above, ESMA also received some clarification requests. One respondent pointed out that contracts reported on T without a valuation should not appear on the missing valuation report. ESMA confirms that this is the case, i.e. valuation reporting remains within the T+1 timeline. Furthermore, the warnings reports for missing valuations are expected to be triggered when valuation that was reported is dated more than fourteen calendar days earlier than the day for which the report is generated.

252. Another respondent noted that uncleared OTC derivatives contracts cannot benefit from a third-party valuation which may lead to different valuations from the two parties of the contract. The respondent suggested to set the “matching

tolerances" at a higher level than that used for cleared OTC derivatives contracts. In this respect, it should be noted that ESMA is in fact proposing new matching tolerances (please see section 3.4.2 on reconciliation). In general, ESMA recommends that counterparties discuss between themselves to ensure that valuations are consistent and aligned as much as possible and within the tolerance levels included in the table.

253. Furthermore, ESMA was asked to prescribe its preferred option of reporting the first valuation of a given derivative from the two alternatives set out in paragraph 274 of the CP. ESMA notes that both solutions are equally acceptable, and the choice is up to the reporting entities who can design their reporting logic according to the solution that is easier for them to implement.

254. ESMA was also asked to provide additional clarity and examples on how the value of the contract should be determined in light of the inconsistencies observed across CCPs in relation to the methodology they use to calculate valuations. ESMA would like to highlight that harmonization of the methodologies across the CCPs remains out of the scope of the technical standards and Guidelines on reporting.

255. In the same vein, to respond to a request to clarify valuation for smart derivative contracts (SDCs) where CVA and DVA is zero, ESMA notes that the purpose of the Guidelines is not to provide indications on how to perform derivatives valuations. In any case, the value of CVA and DVA is irrelevant for uncleared derivatives as they have to be reported without the relevant adjustments. In addition, the way in which a derivative is concluded should not have an impact on how it is valued.

256. Lastly, ESMA hereby confirms that the valuation should be reported on a daily basis even if there is no change or the valuation is zero (see also paragraph 364 of the FR on ITS/RTS). This is important from the perspective of data quality and enables the regulators to monitor that reporting parties keep complying with the valuation reporting requirement.

Q48. Are there any other aspects in reporting of delta that should be clarified? Are there instrument types (in addition to swaption) where further guidance is needed with regards to the calculation of delta?

257. ESMA sought input in the CP to potential issues regarding the reporting of delta that would need further clarification. There were no major objections to the given guidance, but some respondents asked for additional clarifications.

258. Some respondents raised questions on the process and viability of the reconciliation of the delta values. ESMA understands that the process and potential challenges around the reconciliation of this field are similar to those around the reconciliation of valuations.

259. Two respondents required additional clarification on the way delta is reported. ESMA confirms that the initial value can be reported with the action type 'NEWT' or 'POSC', that contains the relevant element for delta. For daily delta updates, the process is similar to valuation update.

260. Some respondents asked clarification on the way in which delta is to be understood for products that have more than one underlying. First, ESMA clarifies

that the reporting of delta is only applicable to options and swaptions (i.e. multi-leg swaps are not in scope for the reporting of delta). Then, as for basket options ESMA clarifies that delta is not required.

261. One respondent asked how delta should be reported in cases where its value is less than -1 or more than 1. ESMA understands that such a value might occur with options with non-linear payoff, such as digital options or knock-in/out options. The reporting format is set by the ITS on reporting (derived in this case from CDE Guidance), limiting the allowed values to between -1 and 1. Hence, ESMA clarifies that the values of -1 and 1 should be used in cases where delta is below or above the allowed range, respectively.

262. Finally, two respondents asked whether adjusted or unadjusted delta values should be reported. ESMA confirms that unadjusted delta should be reported, i.e. the reported value should not contain adjustments pertaining to, e.g. counterparty credit risk.

3.1.19 Reporting of margins

Q49. Are there any further clarifications required with regards to the reporting of margins?

263. Article 4 of the RTS on reporting provides that data on collateral for both cleared and non-cleared derivatives shall include all posted and received collateral. In addition, where the counterparties collateralize on a portfolio basis, the reporting counterparty or ERR shall report collateral posted and received on a portfolio basis specifying the code identifying the portfolio.

264. In the CP ESMA asked feedback on further clarifications required with regards to the reporting of margins. Most of the respondents supported and agreed with the provisions for margins reporting, while requesting some clarifications.

265. One respondent asked which UTI should be used in field 3.10 in case of collateralization on portfolio basis. As reflected in the validation rules, UTI should not be reported in a margin update pertaining to collateral provided on portfolio basis.

266. Three respondents requested clarifications on how to deal with variation margins reporting in case of Collateralise to Market (CTM) and Settle to Market model (STM). The respondents, after providing a complete description of the mentioned models, complained that the term ’variation margin’ as used in EMIR only covers the CTM model payments, i.e. payments that are provided as margin for any open exposures resulting from changes in market prices. STM model is not covered by the EMIR definition of ’variation margin‘ and consequently any payments that are made to finally settle any outstanding exposure (i.e. STM) could not be properly reported under EMIR because after the end-of-day settlement, exposure is zero and the only available end-of-day collateral is the initial margin, which covers the risk of price changes until the next settlement.

267. Taking into consideration the received feedback, ESMA understands that when STM model is applied, variation margins are paid and settled end-of-day. Therefore, ESMA considers that reporting of variation margins needs adjustments to better reflect the specificities on the STM model, while ensuring that authorities receive the complete information about the margins. For that reason the Guidelines were amended to clarify that under STM model counterparties should report daily change in the variation margins.

268. Moreover, in relation to paragraph 284 of the CP, two respondents challenged the reporting of margin currencies "as long as the base currency chosen is one of the major currencies which represents the greatest weight in the pool". In their view, the margin currency could be bilaterally agreed by counterparties in their relevant contractual annexes and may not necessarily be the currency with the greatest weight in the pool. Such reporting would not represent the contractual agreement between the counterparties. Therefore, following this feedback, ESMA has amended accordingly the Guidelines providing that the margin currencies to be reported should be the ones contractually agreed between the counterparties and maintaining the originally proposed guidance only for the cases where the currency has not been contractually agreed.

269. In addition, one respondent asked for clarifications on margins updates for uncollateralised trades considering that collateral information has been included in Table 3 only as provided by the RTS on reporting. On this aspect ESMA clarifies in its Guidelines that the reporting entities subject to margin reporting obligation, would need to submit at least one margin report (field 3.28 populated with action type 'New'), even if only to inform that the derivative contract is uncollateralised. Should 'UNCL' be the latest value submitted, no further margin update is expected. For details regarding the generation of the missing margin information report please see the section 7.3.2.2.

270. Some other respondents complained about the amendments in the format of collateral portfolio code which under the ITS on reporting does not allow anymore the reporting of special characters. This means that any market participants who previously included special characters in the collateral portfolio codes will need to re-issue any such codes to meet the new validation requirements. Following this feedback, ESMA checked the relevance of this issue on the overall data reported and found that it was negligible. In addition, the removal of special characters from the reporting of collateral portfolio code aligns with the CDE guidance. For the reasons above, this feedback was not accommodated.

271. On the same topic, one respondent sought clarification on the uniqueness of collateral portfolio code on the level of counterparty, since some entities use the same collateral portfolio code for different pools of collateral (e.g. collateral portfolio code is unique within, but not across asset classes). On this aspect ESMA clarifies that the collateral portfolio code should be unique on the level of the counterparty and consequently, the margins reported for a specific collateral portfolio code should be equal when reported for different transactions/positions at the same reference date.

272. Another respondent asked for clarifications on how to account for the independent amount to be reported when exchanged in addition to initial margin. On this topic, ESMA clarified that in principle, and in compliance with the CDE guidance, any collateral under the definition of initial margin is to be reported under the initial margins fields.

273. One respondent sought clarification on how to report penalty payments on Smart Derivative Contracts (SDC) and whether the margin of an SDC should be reported as an initial margin or as a variation margin. ESMA noted these considerations without updating Guidelines at this stage, however further clarifications may be provided in the future on this topic.

274. Furthermore, one respondent proposed to discard paragraph 289 of the CP which refers to the consistency in the reporting of margins because this provision implies some level of reconciliation without providing any additional guidance as to the reporting requirements of market participants. However, on this aspect ESMA clarifies that counterparties should always check whether the data reported to TRs are complete and accurate as referred in Article 1 of the RTS on reporting.

275. Another respondent did not support paragraph 259 of the CP in which it is provided that 'If counterparties decide to post more collateral than required and this additional collateral is not posted separately and independently of variation margin and initial margin, both counterparties need to include this in the initial and or variation margin reported'. In their view the margin posted in excess of the required initial/variation margin should be allocated to excess collateral, independently of whether it was posted within the initial/variation margin payment or not. However, ESMA noted that the definition of excess collateral applied in the RTS on reporting is in line with the CDE guidance thus the proposed approach cannot be accommodated.

276. Finally, one respondent complained about the fact that reporting of margins suffers from issues, such as discrepancies in the aggregate margin posted by one counterparty to another which does not correspond to the respective margin received by the other counterparty, and discrepancies in the aggregate variation margin posted and received by some CCPs which differ significantly, although they should be equal.

277. On this aspect, ESMA remarks that counterparties should report margin in a consistent way as referred in paragraph 289 of the CP and that counterparties should always check whether the data reported to TRs are complete and accurate as referred in Article 1 of the RTS on reporting.

3.1.20 Identification of the trading venue

Q50. Are there any further clarifications required with regards to the reporting of the trading venue?

278. In the CP, ESMA proposed clarifications for the identification of the trading venue in the field 'Venue of execution' (field 2.41), which were mostly welcomed while some further clarifications were asked.

279. The field 'Venue of execution' should be populated in accordance with the type of conclusion of the derivative, notwithstanding the classification of the derivative as ETD or OTC. The ISO 10383 segment MIC code should be used. For derivatives executed on a RM, MTF, OTF or SI, the segment MIC code should be used. For third country trading venues considered as equivalent to a regulated market and organised trading platform outside of the Union, where the segment MIC does not exist, they should use the operating MIC. When traded OTC, the counterparties should either use the code 'XOFF' or 'XXXX' depending on the admission of the financial instrument to trading on a trading venue.

280. Respondents asked for clarification regarding the reporting of derivatives executed on UK regulated markets, in particular if they are to be reported as OTC or ETD, given that they are traded on a venue. With regard to the 'Venue of execution' field, ESMA recalls that, notwithstanding the use of the MIC code, the derivatives contracts traded outside European regulated markets or third country trading venues considered as equivalent to a regulated market in accordance with Article 19(6) of Directive 2004/39/EC should be considered OTC as opposed to ETD, and their reporting should be performed according to such qualification.

281. Respondents to the CP highlighted the need for clarifying that derivatives executed on or pursuant to the rules of venues should be considered as on venue trading. For example, derivatives such as bilaterally negotiated or pre-arranged derivatives formalised pursuant to the rules of a venue, still should be reported with the relevant platform identifier.

282. Even if some respondents have highlighted the difficulties and reporting implications to consider derivatives negotiated outside EU or third country equivalent RMs as OTC, ESMA recalls that the definition of OTC transactions is included in EMIR therefore OTC derivatives are to be reported consistently with their qualification.

3.1.21 Fields related to clearing

Q51. Are there any further clarifications required with regards to the reporting of clearing?

283. The CP provided guidance on the reporting of clearing, particularly the use of the field 'Cleared', the reporting process applicable to bilateral derivatives that are later accepted for clearing, the reporting process applicable to on-venue derivatives accepted for clearing on the same day, the execution timestamp for cleared trades, the fields 'Clearing obligation', 'Central counterparty' and the disclosure of final parties to a cleared transaction (paragraph 320 of the CP).

284. Most of the additional clarifications provided were supported, except the disclosure of the final parties by the trading venues or the clearing house for anonymously-executed cleared transactions, as proposed in the CP, which raised numerous concerns due to inconsistency of the disclosure obligation with the anonymity requirement. ESMA notes however that the exception under which such disclosure requirement is indeed unnecessary applies only to standardised on-

venue derivatives which are cleared in the course of same day by a CCP, which to a great extent mitigates the risk. The same treatment cannot be applied to derivatives netted by a clearing house that is not a CCP, therefore ESMA retained its guidance.

285. Another respondent noticed an inconsistency in the drafting using 'COMP' for position component instead of 'POSC'. The Guidelines were corrected.

286. One respondent has indicated difficulties in the workflow when the derivatives are traded on a trading venue and cleared on the same day, since it implied a logic to hold the transaction until notice of acceptance by the CCP. ESMA underlines that Article 2(2) of the RTS on reporting applies to derivatives that are cleared on the same day and that, consequently parties should be aware of the clearing acceptance. Otherwise, the clearing should not be considered as occurring on the same day.

287. Last, some respondents also wondered whether a validation rule will be applied to check if the validity of the central Counterparty identifier is representing a valid CCP according to EMIR. ESMA considers that such validation rule would ensure better quality of EMIR reporting, however at this stage a list of all CCPs (i.e. not only those that are authorised or recognised under EMIR) is not available.

3.1.22 Fields related to confirmation

Q52. Are there any further clarifications required with regards to the reporting of confirmation timestamp and confirmation means?

288. The additional explanation provided in the CP on the reporting of confirmation timestamp raised some questions regarding novations and derivatives concluded on venue (not cleared) for which the trading venue rules implies the acceptance of transaction terms between parties.

289. With regard to novations one respondent asked whether the field 'Confirmed' should be updated to its new status and whether the field 'Confirmation timestamp' should be updated. Regarding confirmation of a contract after it was reported as unconfirmed, novation or portfolio compression of such contract, the field 'Confirmed' should be updated to its new status, as well as the field 'Confirmation timestamp'.

290. With regard to derivatives concluded on venue (not cleared) for which the trading supposes the acceptance of transaction terms between parties, one respondent argued that they should automatically be regarded as electronically confirmed. ESMA considers that the trading and the confirmation process on such venues depends on the venue itself and cannot be regarded as automatically confirmed for all of them and recommends that careful scrutiny should be used to determine whether the transactions should be considered as confirmed. ESMA therefore recommends filling the field 'Confirmed' with the appropriate value 'NCNF', 'ECNF' or 'YCNF' depending on the method of confirmation (even if it is unlikely to be populated with 'YCNF', given the level of automation such trading requires).

3.1.23 Fields related to settlement

Q53. Are there any further clarifications required with regards to the reporting of settlement currencies?

291. The CP included clarification regarding the currency code to be used to populate the field 'Settlement currency'. Respondents to the consultation asked for a clarification of the ISO standard to be used for the currency code and asked for guidance relating to the code to be used for historical and offshore currencies.

292. ESMA proposes to clarify that ISO 4217 currency codes are to be used for the field 'Settlement currency'. The validation rules for all currency fields allow for the use of historical currencies, however those are not expected to be reported as settlement currency.

293. For the case of offshore currencies, ESMA wishes to recall the position taken in the RTS on reporting: while the CDE guidance suggests the reporting of a field 'Settlement location' for derivatives to cope with the case of offshore currencies and to keep the field 'Settlement currency' expressed in onshore currency, ESMA did not see at this stage the reporting of this field as necessary and proposed that for the derivatives traded in off-shore currencies, the counterparties simply report onshore currency in the relevant currency fields.

294. Questions on reporting of cryptocurrencies are addressed in section 3.1.27.

3.1.24 Reporting of regular payments

Q54: Are there any additional clarifications to be considered related to reporting of regular payments?

295. In the CP, ESMA clarified that taking into consideration the contract type, counterparties should report only those fields related to data elements of regular payments that apply to a given derivative. Furthermore, ESMA stated that the report should contain information in dedicated fields for each fixed or floating leg of a derivative and that the same rule applies in the case of data elements describing the reset frequency and reference period of the floating rates.

296. Also, ESMA proposed to identify floating rates with an ISIN and/or with a 4-letter standardized code, explicitly included in the ITS on reporting, and that the official name of the rate, as assigned by the index provider, should be always reported.

297. Half of the respondents argued about the identification logic of floating rates, requesting clarifications and suggesting rewording proposals based on the assumption that multiple fields request the reporting of the same information.

298. ESMA confirms there are different purposes (specific identification of the underlying, or specific identification of the fixed rate/ floating rate) that lead to subsequent requests for information in the reporting format fields. It was also clarified that the existing condition linking the fields 2.13 ('Underlying identification type'), 2.79 ('Fixed rate of leg 1 or coupon'), and 2.85 ('Name of the floating rate of

leg 1') identifies the fields in which information related to fixed or floating rate has to be found.

299. Two respondents highlighted the necessary harmonization of validation rules for fields 2.13, 2.79 and 2.85 that should consistently refer to same fields. In this respect, ESMA updated accordingly the validation rule applied for field 2.13 ('Underlying identification type').

300. Regarding the information related to the identification of the underlying two respondents pointed out that a further clarification will be welcomed, in order to avoid double reporting of the same information on fields 2.14 ('Underlying identification') and 2.83 ('Identifier of the floating rate of leg 1'), or at the level of fields 2.14 and 2.99 ('Identifier of the floating rate of leg 2'). The same issue has been observed for the indication of the floating rate index, linked with the reporting of fields 2.15 ('Indicator of the underlying index') and 2.84 ('Indicator of the floating rate of leg 1'), or in the case of fields 2.15 and 2.100 ('Indicator of the floating rate of leg 2').

301. Based on the feedback received, ESMA clarifies, at the validation rules level for fields 2.83 and 2.99 that having the same floating rate reported in both underlying and floating rate fields should be avoided, by leaving fields 2.83 and 2.99 blank, when field 2.14 ('Underlying identification') is populated. The same rule applies in the validation rules for fields 2.84 and 2.100, when field 2.15 ('Indicator of the underlying index') is populated.

302. One respondent stated that specific clarification related to the payment frequency period will help to ensure consistent interpretation of the information that has to be reported.

303. ESMA, therefore, clarified that the longest time of the period identifier should be used rather than transforming the value of the payment frequency period into another payment frequency period (e.g. a year into months).

3.1.25 Reporting of other payments

Q55: Are there any further clarifications needed with regards to the reporting of other payments?

304. Some respondents asked for clarifications concerning how the initial and final principal exchange amounts of a cross-currency swap are to be reported as other payments.

305. ESMA clarifies that the elements related to the 'other payments' dataset could be reported more than once, in the case of multiple payments, and the final principal exchange amount should be reported once it has been agreed, and not at the time when the payment will be effective.

306. One respondent requested guidance on whether novation fees are reportable as other payments. ESMA acknowledges that there might be other instances of 'other payment types', currently not covered by the three alternatives, outlined in

the respective field, but decided at this stage to limit the list of them to those proposed in the CDE Technical Guidance and included in the ITS on reporting.

307. Two respondents inquired, in the case that there is a need to send historical modifications/corrections whether the LEI code of the other payment payer/receiver should be valid at the time of reporting or on the other payment date. ESMA clarified this aspect in the validation rules.

308. One respondent mentioned that at the level of the validation rules applicable to fields 2.77 'Other payment payer' and 2.78 'Other payment receiver', conditioning is required because they cannot contain the same LEI unless this corresponds to the LEI of the CCP. Based on the consultation feedback, ESMA updated the respective validation rules accordingly.

3.1.26 Dates and timestamps fields

Q56. How would you define effective day for novations and cash-settled commodity derivatives?

Q57. What are reporting scenarios with regards to dates and timestamps which you would like to be clarified in the guidelines? Are there any other aspects that need to be clarified with respect to dates and timestamp fields?

309. The respondents agreed generally with ESMAs proposal of effective date. ESMA clarified in the Guidelines that in case of cash-settled commodity derivatives and novations the same rule applies, even though other references were made by market participants, i.e. to calculation and/or delivery period.

310. The respondents agreed generally with the definition of expiration date / early termination date. One respondent asked for a clarification of "unadjusted". This term, referring to dates not adjusted for non-working days, is considered clear and is used also in the CDE Technical Guidance. The table with an example was ultimately removed as it was deemed that it did not contribute to the clarification.

3.1.27 Reporting of derivatives on crypto assets

Q58. Are there any other aspects that need to be clarified with respect to the derivatives on crypto-assets?

311. The main suggestions made by respondents were:

a. To use in the field 2.11 'Asset class' the value 'COMM' (commodities) for derivatives based on crypto-assets, as in their view crypto-assets have similar aspects to commodities.

b. To approve a new underlying category of assets for derivatives based on crypto-assets.

c. To clarify how to report the currency fields for derivatives based on crypto-assets, when there is for example a settlement, valuation, collateralization, etc.

They also asked about if it is possible to apply a conversion to an ISO 4217 currency.

312. Because of the ongoing developments in regulation that are currently being discussed about the crypto-assets, ESMA has decided when drafting the ITS and RTS on reporting not to include any detailed requirements with regard to the reporting of derivatives based on crypto-assets until there is further developed and coherent regulation. This is the reason why ESMA has decided only to include in the RTS on reporting an additional field 'Derivative based on crypto-assets' in order to be able to assess the trading volumes and outstanding risk as well as to analyse how these instruments are reported. Therefore, a new underlying category of assets would not be compliant with the ITS on reporting. Similarly, it would be erroneous and not future-proofed to e.g. require that all derivatives on crypto-assets should be reported as commodity derivatives.

313. Regarding on how to report the currency fields for the derivatives based on crypto-assets, ESMA recalls that the currency fields only allow for currencies listed on ISO 4217 Currency Codes. Therefore, these fields should not be populated with so-called crypto-currencies. Under RTS on reporting there is only obligation to report the field 'Derivative based on crypto-assets' with a boolean format for these derivatives on crypto-assets that fulfil the definition of derivatives under MiFID, filling in the fields related to currencies with a value converted to one of the listed ISO 4217 currency codes.

314. Other suggestions made by respondents in response to other questions in the CP were:

a. To clarify how to report derivative transactions where the underlying is an index or a basket which includes crypto assets.

b. To include information related to new products based on crypto-assets in the reference data to avoid potential inconsistency between counterparties when one counterparty could consider this new product as based on crypto-assets and the other not.

c. To clarify the case of a physical settlement for derivatives based on crypto-assets, in particular how the settlement currencies should be reported.

315. With regards to indices and baskets based on crypto-assets, the reporting does not differ from other types of derivatives. The counterparties should report the name of the index as well as, if available, its ISIN and/or 4-letter code indicating the index. In the case of baskets, counterparties should report only those components that are financial instruments traded on a trading venue.

316. Changes to the content of the instruments reference data under MiFIR are out of scope of these Guidelines, therefore the suggestion was not considered.

317. Regarding on how to report the settlement currency fields for these new derivatives, same logic applies as already indicated above. Furthermore, it should be noted that settlement currency should not be reported in the case of physically-settled derivatives.

3.1.28 Reporting of complex products

Q59. Do you consider any scenarios in which more clarification on the correct population of the fields related to package transaction is needed?

318. ESMA included proposals for the newly introduced fields related to package transactions in compliance with the CPMI-IOSCO CDE Guidance in the CP and asked about scenarios, where more clarification on the correct population of fields is needed. Several respondents provided their comments on the proposals, mainly reacting to the fact that the guidance gave the impression that non-EMIR products would be made reportable through the approach taken for package transactions. Only one respondent asked for more clarification on the reporting of Roll-Overs in this context. ESMA would like to clarify that Roll-Overs are not considered as complex products as such.

319. Regarding the concerns raised by the majority of respondents that non-reportable products could be brought into the scope through the definition of package transactions, ESMA clarifies that the misunderstanding resulted from using a swap as an example in the CP. When a package transaction includes reportable and non-reportable contracts (e.g. an FX spot contract and FX forward, that are executed as such rather than as an FX swap) only those contracts that are in the scope of Article 9 of EMIR need to be reported (in this case only the FX forward). The relevant fields for package transactions (e.g. field 'Package price') should nevertheless be populated corresponding to the entire package negotiated, rather than only to the reportable part of the package transaction. It is also worth noting that in the case of an FX swap which is executed as such, the entire derivative should be reported (as an FX swap, in a single report).

320. As there were uncertainties when the reporting field 2.6 'Package identifier' should be used, it is highlighted that this field is relevant when a complex derivative cannot be reported by using only one single report (e.g. as the fields would not allow for it; please see also Recital 3 of the RTS on reporting) or it is traded as part of a package transaction (e.g. negotiated not as single, individual, trades but in its entirety).

3.1.29 Ensuring data quality by counterparties

Q60. Which of the proposed alternatives with regard to significance assessment method do you prefer? Should ESMA consider different metrics and thresholds for assessing the scope of notifications sent to the NCAs?
Please elaborate on the reasons for your response.
Q61. Do you prefer Option 1 or Option 2 with regard to the number of affected reports notified to the NCAs? Please elaborate on the reasons for your response.
Q62. Should significance of a reporting issue under Article 9(1)(c) of the draft ITS on reporting also be assessed against a quantitative threshold or the qualitative specification only is appropriate? In case threshold should be also applied, would you agree to use the same as under Alternative A or B? Is another metric or method more appropriate for these types of issues? Please elaborate on your response.

Q63. Are there any other aspects or scenarios that need to be clarified with respect to ensuring data quality by counterparties? Please elaborate on the reasons for your response.

321. In the CP, ESMA summarized the legal background of ensuring data quality by counterparties and addressed the need for further specification of the key metrics and thresholds to assess the scope of data quality issues notifications, mainly:

a. which data quality issues are considered as significant and

b. what is a significant number of affected reports.

322. ESMA proposed two alternatives to calculate a significant number of reports together with an example of thresholds to be used for the assessment. First alternative (Alternative A) was based on a ratio of the number of affected reports over monthly average of the number of submissions. The second (Alternative B) was based on a ratio of number of affected reports over the number of submissions during the period when misreporting existed.

323. Nearly all respondents expressed their preference for Alternative A appreciating its robustness and efficiency. This metric will capture systematic errors and will be less susceptible to issues that are resolved within a short period of time, while it will be easier to implement and more practical to use. One respondent advocated for full reporting of all data quality issues, however ESMA considers such proposal as too burdensome and unnecessary.

324. Several respondents suggested that TRs should be requested to share the monthly number of submissions and/or daily number of submissions with ERRs or RSEs. For this purpose a daily number of submissions provided by the TRs in the end-of–day reports can be used.

325. Overall, respondents did not object to the proposed thresholds, although some respondents highlighted the need to set a minimum threshold in order to ascertain that small reporting entities are not obliged to submit notifications to the NCAs. Such minimum threshold was already included in the CP and as no alternative value for this threshold was proposed it will be kept, together with other proposed thresholds, as a starting point for the calibration of the requirement. One respondent proposed that small and non-complex institutions (SNCIs) within the meaning of Article 4(1) No 145 of the CRR[13] should be carved out of the requirement altogether. Such an explicit exception however cannot be introduced at the level of these Guidelines, moreover the proposed minimal threshold ensures to alleviate the burden of minor reporting entities.

326. Respondents to the CP also did not object to ESMA's proposal to use other means than these Guidelines for publication of the relevant thresholds so that flexibility and optimal calibration of the requirement was ensured.

327. One respondent requested clarification whether the proposed thresholds apply to all the categories of reports. In the CP ESMA envisaged only one set of

[13] Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012

thresholds applicable to all the categories, however if deemed necessary for optimal calibration of the requirement, it might be considered in the future to set different thresholds for different categories.

328. Another respondent asked whether a RSE is expected to notify the counterparty's NCA of any significant issues impacting reporting on the other counterparty's behalf. The ITS on reporting requires the entity responsible for reporting to notify its competent authority and, if different, also the competent authority of the reporting counterparty. Hence, RSE is expected to send the notification to NCAs only if it is ERR for some or all of the counterparties on whose behalf it reports.

329. As pointed out by one respondent to the CP, this set-up of the notification requirement implies that in case of a market-wide issue pertaining to data quality such an event is likely to be reported to NCAs multiple times by multiple ERRs. However, ESMA considers that setting up a finer and more clean-cut process would become overly complex and more burdensome to implement and operate by the ERRs.

330. An alternative approach has been proposed by one respondent suggesting that the responsibility to notify the NCAs of certain data quality issues should be transferred to the TRs. This proposal however is not in line with the abovementioned requirement stipulated in the ITS on reporting.

331. This respondent also commented that NCAs should focus on large players first, and only after a certain milestone in data quality is reached, the regulators should target the smaller entities, and also to prioritize the significance of risk setting at the position level reports. Even though a risk-based approach is often used by the NCAs, no further guidance will be provided in the Guidelines since the supervisory practices of NCAs are not in scope of these Guidelines.

332. ESMA also noted a comment on substantially different levels of internal controls pertaining to data quality implemented by various reporting entities, and the suggestion for ESMA to issue guidance on best practice controls to prevent or detect errors and omissions and principles for effective prioritization of reporting risks. ESMA will not issue guidance on best practices in the near future, but it might be considered further along when sufficient experience is gathered with the revised reporting regime.

333. The respondent also incorrectly pointed out that for misreporting due to errors, the use of the 'Error' action type signals to the regulators the identification and rectification of errors in reporting. ESMA reminds again that action type 'Error' should only be used in scenarios allowed by the Guidelines, especially to cancel a report that should never have been reported in the first place. Action type 'Error' should never be used as a correction measure for misreported information.

334. In the CP ESMA included several examples of scenarios describing the assessment of requirement to notify NCAs under different circumstances. One of the scenarios included case where the RSE submits reports on behalf of several counterparties, but at the same time it is an ERR for only one of them. At the level of RSE the data quality issue is assessed as significant, but at the counterparty

level the issue is significant only for the counterparty for which the RSE is ERR. With regards to the number of affected reports to be reported to the NCAs, ESMA sought respondents view on two options. Under Option 1 the RSE would notify to the NCAs only the number of reports pertaining to the counterparty for which it is ERR, under Option 2 the RSE would include in the notification affected reports of all the counterparties.

335. Majority of respondents expressed their preference for Option 1, pointing out that the effort to report all reports would be disproportionate to the benefit of NCAs and arguing that it is best to focus on the reporting of ERR. ESMA therefore adapted the example in the Guidelines to reflect Option 1.

336. With regard to data quality issues to be notified under Article 9(1)(c) of ITS on reporting ESMA provided in the CP qualitative criteria to assess which issues are considered as significant. Views of the industry were sought on whether also quantitative criteria should be applied and whether different metrics and thresholds than those already proposed should be introduced.

337. Almost every respondent provided an opinion that the quantitative criteria should be also applied and that proposed metrics and thresholds are appropriate also for the assessment of issues under Article 9(1)(c) of ITS on reporting. One respondent suggested that a number of affected UTIs should be used as a metric, however ESMA is of the view that such a metric would heavily downplay the significance of data quality issues, especially for example for valuations or collateral data. ESMA took note of the expressed views and amended the Guidelines to reflect the majority opinion.

338. As a follow up to the requirement of Article 9(1)(c) of ITS on reporting a respondent asked for an exhaustive list of errors that would cause a rejection by a TR. ESMA confirms that such list will be available in the form of validation rules which will be applied by the TRs on the submitted data.

339. Some respondents perceived as conflicting the guidance not to notify every single reconciliation break and the guidance to notify misreporting caused by incorrect or inconsistent interpretation of the content of the fields. Generally, reconciliation break can be caused by various reasons, for example it can happen due to misreporting of the field due to a technical issue or fat-finger error and swift correction rectifies the issue. On the other hand, it can be caused by long-lasting diverging interpretation between counterparties of how to populate the field. This case is of special interest to the regulators as it provides an opportunity to analyse the inconsistencies and issue further guidance if considered useful. However, since the quantitative criteria were introduced also for data quality issues under Article 9(1)(c) of ITS on reporting, it should now be clear that not every single reconciliation break should be notified, and ESMA removed the confusing sentence from the Guidelines.

340. In addition, respondents to the CP requested following further clarifications:

a. when to report errors to authorities and whether the notifications are to be provided on a regular basis,

b. what is the difference between Article 9(1)(a) and Article 9(1)(b) of the ITS on reporting with respect of omitted reports,

c. if historical errors are expected to be corrected.

341. ESMA included relevant clarifications in the Guidelines.

342. Further guidance was requested as to the format and possible harmonized template of the notifications. ESMA noted the suggestion and further examined the appetite for such guidance. It was determined that common harmonized template is mainly supported as it will ease the burden and provide certainty for many entities which need to provide notifications to multiple NCAs. On the basis of this feedback ESMA introduced additional guidance on the data quality notification template into the Guidelines.

3.2 Reporting per product type

3.2.1 Reporting of IRS

Q64. Are there any other aspects in reporting of IRS that should be clarified?

343. In the CP, ESMA proposed that, when reporting IRS, counterparties should describe the underlying fixed or floating rates in the dedicated rate fields for leg 1 and leg 2 (fields 2.79-2.110), rather than e.g. providing the floating rate in the underlying index field.

344. The feedback received was generally supportive and included few clarification requests.

345. To clarify, ESMA proposes that counterparties should populate the following three distinct fields to describe a floating rate:

a. to the extent that they are available for a given rate, the identifier (fields 2.83 and 2.99), which should be populated with ISIN, and/or the indicator (fields 2.84 and 2.100), which should be populated with a standardised 4-letter code; and

b. in all cases, the name (fields 2.85 and 2.101), which should be populated with the full name of the rate.

346. ESMA notes that, in the drafting of the ITS on reporting, the provision of the official name was considered important as this is the way in which the rates are referred to in the register for clearing obligation.

347. ESMA would also like to clarify that the greying of the fields 2.109 and 2.110 in the example set out in Table 29 of the CP was because in that particular example the IRS had no additional spread. As correctly pointed out by the respondent, however, the spread is indeed conditionally mandatory in the draft validation rules (i.e. it must be populated when floating rate is populated). Therefore, ESMA clarifies that, where no spread exists, counterparties should populate the field with zero (the relevant example was updated in the Guidelines).

348. Finally, in response to a request that ESMA should provide an example with all relevant fields (including counterparty data such as direction), ESMA would like to

refer to the example set out in the section 6.1.6 (“OTC Contract type between FCs which requires the population of fields ‘Direction of Leg 1’ and ‘Direction of Leg 2’”) and confirm that it covers also IRS reporting.[14]

3.2.2 Reporting of swaptions

Q65. Are there any other aspects in reporting of swaptions that should be clarified?

349. In the CP, ESMA proposed that, when reporting swaptions, the counterparties should provide both the fields related to options (fields 2.132-2.142) as well as the fields characterising the underlying swap (fields 2.79-2.110).

350. ESMA proposed that the execution of the swaption should be reported with action type ‘Terminate’ and event type ‘Exercise’. The resulting swap should be reported with action type ‘New’ and event type ‘Exercise’. The swaption and the resulting swap should have each its own UTI. Moreover, when reporting the resulting swap, the ‘Prior UTI’ field (field 2.3) should be populated with the UTI of the swaption.

351. Like the IRS reporting above, ESMA received general support on its proposal while some clarification requests were made.

352. ESMA’s feedback in the section above (regarding fields 2.109 and 2.110 of Table 29 of the CP) is also applicable to Tables 30 and 32, i.e. there is no additional spread for the swaption in the example. The respondent further noted that no value is provided in the ‘Example’ column for field 2.138 ’Strike price currency / currency pair‘ though a value would be expected to be reported based on the draft validation rules and a value does seem to have been included in the XML message. ESMA would like to clarify that the greying of field 2.138 is because the strike price is expressed in percentage and to confirm the erroneous existence of ‘EUR’ in the XML message (the relevant example is correctly updated in the final Guidelines).

353. Finally, ESMA would like to confirm the existence of a mistake in the example of Table 31 of the CP which illustrates the termination of a swaption due to the exercise, i.e. the UTI should be the same with that used in Table 30, and the ‘Prior UTI’ field should be empty (the relevant example is correctly updated in the final Guidelines).

3.2.3 Reporting of other IR products

Q66. Are there any other aspects in reporting of FRAs, cross-currency swaps, caps and floors or other IR derivatives that should be clarified?

354. In the CP, ESMA proposed that when reporting Forward Rate Agreements (FRAs), the counterparties should report the underlying rate in the fields pertaining

[14] Section 6.1.6 should be read together with the table in section 4.12 , in which it is summarized how to determine the counterparty side for every product, including the IRS. It should be clear from that table that for OTC FX Swap and IRS, the counterparty side should be determined accordingly by the counterparties and that the reportable fields should be ’direction of leg 1‘ and ’direction of leg 2‘ only.

to the underlying section (fields 2.13-2.16). Furthermore, ESMA clarified how to correctly report the fields 'Execution timestamp', 'Effective date', 'Maturity date' and 'Settlement date'.

355. ESMA received general support on its proposal.

356. Two respondents provided an example of a FRA using commonly agreed industry terms for the different dates and asked if: i) the effective date could be interpreted as the future date on which the obligation between the parties arises; and ii) the maturity date for the purpose of reporting can be interpreted as the fixing date of the FRA. To ensure full clarity ESMA included an example in the Guidelines in order to clarify what is expected to be reported for these dates.

357. In the CP ESMA clarified that other instruments that should be classified as interest rate derivatives are cross-currency swaps as well as caps and floors.

358. In the case of caps and floors, the counterparties should populate both the fields relevant for options and fields relevant for interest rate derivatives (similarly to the example of swaption illustrated in the section 5.2).

359. In the case of cross currency swaps, the counterparties should populate both the fields relevant for foreign exchange derivatives and fields relevant for interest rate derivatives.

360. Respondents did not provide specific comments on these additional clarifications for cross-currency swaps, caps and floors.

3.2.4 Reporting of FX swaps and forwards

Q67. In the case of FX swaps, what is the rate to be used for notional amount of leg 2? Should it be the forward exchange rate of the far leg as it is in the example provided? Or the spot exchange rate of the near leg?
Q68. In the case of FX swaps, considering that the 'Final contractual settlement date' is not a repeatable field, should the settlement date of the near leg be reported, for example using the other payments fields?
Q69. Do you have any questions with regarding to reporting of FX forwards?
Q70. Do you have any questions with regarding to reporting of FX options?

361. In the CP, ESMA explained how reporting of FX swaps and forwards should be done. Several detailed questions were raised to get industry feedback on the proposed reporting process and fields.

362. Regarding question 67 of the CP, most respondents stated that the forward exchange rate of the far leg should be used for notional amount of leg 2, as initially proposed in the CP.

363. Regarding question 68 of the CP, respondents considered the proposal to report the settlement of a near leg in other payments fields as inappropriate because it implies using a field differently from its initial purpose and questions the use of such data. Since populating fields differently from their original purpose is error-prone because of the confusion it creates, ESMA discarded the proposal of question 68 of the CP.

364. Question 69 of the CP asked whether there were additional questions regarding the reporting of FX forwards. A respondent asked clarification on the use of the delivery type 'PHYS' for FX swaps and FX Options, since the physical delivery of those is done in currencies and should therefore be 'CASH' instead. ESMA clarifies that where the delivery involves an exchange of amounts in the original currencies, the delivery type should be 'PHYS'. Delivery type 'CASH' would be reported e.g. in the case of NDF. ESMA has adjusted the examples accordingly.

365. Question 70 of the CP asked whether there were additional questions regarding the reporting of FX options, but only minor comments on the population of fields were received, which were taken into account in the Guidelines.

3.2.4.1 Additional considerations on the reporting of currencies

Q71. What is the most appropriate way to report direction of the derivative and of the currencies involved with an objective to achieve successful reconciliation? Please detail the reasons for your response.

366. Last, the CP requested feedback on the most appropriate way to report direction of the derivative and of the currencies involved with an objective to achieve successful reconciliation with different options. Two options were mainly considered by respondents: the agreement between the parties using a market convention based on the alphabetical order of the currencies and the use of reconciliation rules by the TRs to solve the reconciliation challenge. The views were split on this question, the options that required ex-ante decision between parties and the use of a convention were logically not supported by respondents except TRs, while TRs supported the use of a convention. Given the more comprehensive answers provided in the reconciliation section, where respondents have preferred the option to require the TRs to manage the reconciliation of the two legs of the derivative, ESMA has consequently updated the guidance in line with the answers provided in the reconciliation section. As a consequence, TR should reconcile FX swaps legs and currencies irrespective of the order of reporting done by the counterparties.

3.2.5 Reporting of NDFs

Q72. Do you agree with the population of the fields for NDF as illustrated in the above example? Should other pairs of NDFs be considered? Please provide complete details and examples if possible.

367. The CP provided example on the population of the fields for NDF and asked for feedback on those, which were broadly not questioned, but some inconsistencies were pointed out and were corrected accordingly.

3.2.6 Reporting of CFDs

Q73. Do you agree with the population of the fields for CFD as illustrated in the above example? Do you require any other clarifications?

368. The respondents who commented on the CFD example were overall favourable of the provided clarifications. A few additional questions were raised.

369. One respondent requested to provide an example with a non-zero price multiplier. This request was not taken on board, as the price multiplier will no longer be a reportable field under the new technical standards.

370. One respondent flagged a typo in the 'Notional' field, which has been corrected in the final version of the Guidelines.

371. One respondent asked to clarify that CFDs should always be reported at position level. Such clarification was not included in the Guidelines, because the reporting at position level is only a possibility that can be used when certain conditions are met and when the two counterparties agree to report at position level.

372. Finally, one respondent asked if field 2.46 'Final contractual settlement date' should be populated as it is mandatory for action type 'NEWT' as per the validation rules. ESMA concluded that for contracts with no maturity date the counterparties may not know the final contractual settlement date and changed the validation rules accordingly.

3.2.7 Reporting of equity derivatives

Q74. Specifically, in the case of equity swaps, portfolio equity swaps and equity CFDs, how should the notional and the price be reported in the case of corporate event and in particular "free" allocations?

373. In the CP, ESMA asked about how the notional and price should be reported in the case of corporate event and in particular "free" allocations, in the case of equity swaps, portfolio equity swaps and equity CFDs.

374. One respondent answered that it should be advisable to apply a modification message keeping the same UTI and adjust any changes to price, notional and underlying instrument. Should the upstream system trigger a termination followed by a new trade, counterparties should align with each other's following best practices. This respondent added that price for "free allocations" might follow the MiFIR model of allowing 'NOAP' value (No applicable price).

375. One respondent indicated that it is difficult to provide an answer valid for all the cases mentioned in the question. It considered more appropriate to underline that, in case of a corporate event, the relevant trade is usually updated within the internal systems, and this is followed by the exchange of a confirmation between the parties involved. Accordingly, the reporting should be done consistently to i) the event that has borne the modification within the position keeping systems and ii) the confirmation with the relevant counterparty.

376. Having considered the received feedback, ESMA decided not to develop additional clarifications on this matter.

377. One respondent mentioned that this section made reference to the event type 'Corporate actions' that is not known as an event type in the previous chapters.

ESMA clarified that the correct term would be ’Corporate event‘ and modified it in the final Guidelines.

Q75: Are there any other clarifications required with regards to the reporting of equity derivatives?

378. In the CP, ESMA asked whether any other clarifications were required with regards to the reporting of equity derivatives.

379. One respondent commented that the notional amount for options should recognise the asymmetry of risk for a buyer versus a seller of an option. This proposal was discarded as the notional is defined already in the RTS on reporting.

380. One respondent highlighted the importance to complement the final version of the Guidelines in this specific scope with further examples on ETDs, both futures and options on equities. In response to this request, ESMA included an additional example of ETD future on equity in the section 4.8.

381. One respondent noted that in the example provided in Table 41 of the CP, neither field 2.17 ’Custom basket code‘, nor field 2.18 ’Identifier of the basket’s constituents‘ were included even though field 2.13 ’Underlying identification type‘ was reported and so both fields 2.17 and 2.18 would be expected according to the draft validation rules. It was also noted that, similarly, field 2.19 would also be expected given that field 2.47 ’Delivery type‘ was populated with ’CASH‘. ESMA confirmed this interpretation of the draft validation rules and the mentioned fields should indeed be included. However, in the final Guidelines, ESMA included a different example.

3.2.8 Reporting of credit derivatives

Q76: Are there any other clarifications required with regards to the reporting of credit derivatives?

382. In the CP, ESMA asked whether any other clarifications were required with regards to the reporting of credit derivatives.

383. One respondent highlighted the importance to complement the final version of the Guidelines with further examples on the reporting of credit derivatives. In response to this request, ESMA included a new more detailed example with all relevant fields in section 5.8.

384. One respondent noted that in the example provided in Table 42 of the CP, given that field 2.41 ’Venue of execution‘ was reported with the value ’XXXX‘, and field 2.31 ’Cleared‘ was reported as ’N‘, it would expect field 2.29 ’Confirmed‘, and depending on the value of this field, presumably also field 2.28 ’Confirmation timestamp‘ to have been included in the example. ESMA confirmed this interpretation of the draft validation rules and included these additional fields in the example. However, ESMA clarified that the proposed example may not contain all the required fields, but the most relevant ones.

3.2.9 Reporting of commodity derivatives

Q77. Are there any other aspects in reporting of commodity derivatives that should be clarified?

385. In the CP ESMA clarified several aspects regarding reporting of commodity derivatives.

386. Furthermore, in the CP ESMA included an example of reporting of a peak load future on the price of electricity.

387. The approach proposed in the CP has been broadly supported, however some respondents asked for additional explanations.

388. One respondent proposes that non-standardized OTC derivatives should be expressly exempt from the obligatory use of UPI, CFI and/or ISIN Codes for NFCs, considering the difficulties for counterparties to obtain access to such codes. This point has already been addressed in the ITS on reporting, which set out which derivatives need to be identified with ISIN (only), and which with UPI (only). Furthermore, in the FR on RTS/ITS ESMA addressed the most relevant comments raised by the respondents in relation to the use of ISIN and UPI. Further comments in this regard are also addressed in section 3.1.15 of this document.

389. Two respondents commented that for energy derivatives it should be sufficient to report either field 2.119 or field 2.120. ESMA points out that there is no change compared to the current applicable rules for those fields, which were also consulted in the past with ACER.

390. One respondent asked a series of clarifications concerning Virtual Power Purchase Agreements (VPPA).

391. ESMA has analysed the questions received and has determined that they require interpretation of the Union Law and that similar queries on the nature of VPPAs and related classification have been previously received by ESMA and forwarded to the European Commission[15]. Once these have been clarified, ESMA will update the EMIR Q&As accordingly.

392. One respondent inquired how to report multiple values for the days of the week. ESMA clarifies that it is possible to report multiple values, e.g. ‘MOND’, ‘TUED’ (Mo-Tu) or ‘WDAY’, ‘XBHL’ (weekdays excluding bank holidays) or other combinations. The field 2.127 ’Days of the week‘ is already marked as repeatable and it will be allowed at the level of the schema to provide multiple values. This has been further clarified in the Guidelines.

[15] The questions are published within a spreadsheet available on the Q&A webpage of the ESMA website

3.3 EMIR Tables of fields

3.3.1 Table 1 Counterparty data

Q78: Do you agree with the population of the counterparty data fields? Please detail the reasons for your response and indicate the table to which your comments refer.
Q79: Is there any other use case related to the population of counterparty data which requires clarifications or examples? Please detail which one and indicate which aspect requires clarification.

393. In relation to section related to counterparty data reporting, overall the respondents welcomed and supported the examples provided and requested some minor clarifications.

394. In particular, one respondent requested to clarify whether the daily reports to be reported to TR should be referred to: a) 2 reports per counterparty data and 1 report per trade data + collateral or b) 2 reports per counterparty data and 2 reports per trade data + collateral, as provided for SFTR reporting. On this ESMA clarifies that, as per Article 1(4) of the RTS on reporting, where one report is made on behalf of both counterparties, it shall contain the details set out in Tables 1, 2 and 3 of the Annex in relation to each of the counterparties. Therefore, just the solution under letter b) of this paragraph is acceptable.

395. Another respondent, in relation to the population of field 1.13 ('Clearing threshold of the counterparty 2') proposed that only parties above the clearing threshold would be required to ask for the "status" of their counterparties and only in cases where an OTC derivative is actually signed/concluded, limiting the population of field 1.13 only to cases where field 1.7 ('Clearing threshold of counterparty 1') is 'True'. In addition, the proposal set out that field 1.17 'Direction' should be restricted only to cases in which the field 2.30 is 'True' or 'False'. However, this proposal would overcomplicate too much the reporting scenarios. Furthermore, the conditionality of the direction field is not under discussion since this field is fundamental to assess the directions of the risk involved in the derivatives contracts. In addition, fields related to clearing thresholds should be already part of the KYC information requested by FC to NFCs. Finally, ITS on reporting requires NFC to timely inform of the change in the reporting responsibility, i.e. when the NFC- becomes NFC+ or vice versa. So, in all the cases the information about the clearing threshold should be already assessed by the relevant parties.

396. One respondent requested clarifications on paragraph 474 of the CP on whether the separate submissions referred therein are related to the two sides of a derivative being reported separately or to each side being separated further so that Table 1 data is reported separately from Tables 2 or 3. On this ESMA clarifies that the separate submission in para 474 refers to the two sides of a derivative being reported separately in case of voluntary delegation or allocation of responsibility.

397. One respondent requested complex examples along the full clearing chain (alpha, beta, gamma trades). ESMA does not see further benefits in more examples as these examples would be nothing different from already included cases.

3.3.2 Table 2 Common data

3.3.2.1 Reporting of action types at trade and position level

Q80. Do you agree with the approach to reporting action types? Please detail the reasons for your response and include a reference to the specific table.

398. Respondents expressed support for the action types reporting examples, raising however certain points for clarifications.

399. A few respondents asked how to treat fields that can be left blank in certain scenarios, such as ‘Event type’ or ‘Prior UTI’. In particular, the respondents were interested if the previously reported values should persist in the TSR if they are subsequently reported as blank by the counterparty. The relevant clarifications were included in the section 7.1.

400. Following to the requests from respondents ESMA added examples of a modification of a position resulting from multiple events, of a correction of the valuation and of position-level report of an OTC derivative cleared on the day of its execution.

401. One respondent asked for which action types the counterparty data section is mandatory. In this regard ESMA recalls that the mandatory/optional nature of each field is specified in the validation rules.

402. One respondent asked if the margin update should be rejected if the corresponding trade(s) are no longer outstanding. ESMA confirms that TRs should only verify that at least one derivative to which a given collateral pertains has been reported prior to the margin update.

403. Finally, with regards to margin updates, one respondent asked whether - and if so, how - it will be possible to link the correction with the original, erroneous report. ESMA clarifies that it is expected that such link can be established based on the event date.

3.3.2.2 Other reportable details

3.3.2.2.1 Reporting of cleared / non-cleared trade

404. Respondent spotted typos for the reporting examples in this section at the XML message level. ESMA considered this feedback and updated the Guidelines accordingly.

3.3.2.2.2 Trading venue

405. One respondent argued that the case of financial instruments admitted to trading or traded on a trading venue or for which a request for admission was made, where the derivative on that financial instrument is not executed on a trading venue, SI or organised trading platform outside of the Union, mentioned in paragraph 512 of the CP is not sufficiently clear. ESMA highlights that this paragraph sets out the reporting requirement specified in the ITS on reporting and is also aligned with the reporting of the trading venue field in transaction reporting according to Article 26 of MiFIR.

406. Further clarification was requested for the example of two SIs facing each other, for reasons of consistency with the reconciliation rules. ESMA clarified in the Guidelines that the field 2.41 'Venue of execution' should only be populated with values allowed under the ISO 10383 Market Identifier Code (MIC) standard and, in this specific scenario, should contain the MIC of the counterparty that acts as the SI for the given trade. This does not impact the reconciliation rules for this field.

407. One respondent highlighted that the reporting example of post-Brexit derivative executed on the UK regulated market demonstrates how to populate the fields 'Clearing obligation' and 'Intragroup' depending on whether the derivative is an ETD or an OTC derivative and requested details for all impacted fields of the report. ESMA highlights that this is reflected in the validation rules which set out relevant dependencies between the fields, specifying e.g. the fields that are mandatory for OTC derivatives or cleared/uncleared derivatives.

408. Following to the feedback from one respondent, ESMA also included relevant correction in the XML message example in the Guidelines.

3.3.2.2.3 Reporting of valuations

409. One respondent stated that according to the FR on RTS/ITS for the field 'Delta' ("To make this clearer, ESMA will move the field to the valuation section of table of fields" (paragraph 420)), the field should not still be exemplified in the transaction data reporting fields, as in the example illustrating the population of the valuation data when the counterparty submits a daily valuation update for a previously reported derivative at trade level. ESMA highlights that under the RTS on reporting all valuation data (including delta) form part of the Table 2.

3.3.2.2.4 Reporting of other payments

Q81. Are there any additional clarifications required with regard to the reporting of other payments?

410. In the CP, ESMA clarified the reporting logic for upfront, unwind payments and principal exchange through a set of examples and the presented approach gained overall support.

411. However, one respondent flagged an inconsistency in the XML extract, in the case of the upfront and unwind payments examples, which has been corrected in the final version of the Guidelines.

412. Two respondents requested further clarifications, in particular on the example of the cross-currency swap. They asked whether the final principal exchange amount of a cross-currency swap, reported as other payment at the start of the trade, will be included in all future reports due to the payment date at the maturity of the cross-currency swap. ESMA has already clarified this aspect in section 3.1.25 Reporting of other payments, confirming that the final principal exchange amount should be reported once agreed, and not when the payment will be effective.

413. With regard to the example of the cross-currency swap, some respondents commented about the implementation of the validation rules for fields 1.17, 1.18 and 1.19, and highlighted that field 1.17 'Direction' should be left blank. ESMA therefore included relevant correction in the Guidelines.

414. On the same example the respondents sought clarification regarding the values for field 1.18 'Direction of leg 1' and field 1.19 'Direction of leg 2' that should be populated the other way round. ESMA considered this feedback and updated the Guidelines.

415. One respondent flagged a typo related to the number of the field 'Expiration date' which should be 2.44 in the example of the cross-currency swap, and ESMA implemented the correction accordingly.

416. One respondent raised the idea of a different reporting logic for the exchange of currencies at maturity date by combining the information related to the derivative contract (contract type and asset class) with the type of operations and the way how the currencies are exchanged, rather than using the dedicated fields (2.73-2.77) of other payments reporting. However, ESMA noted that the utilization of the other payments fields is in line with the CDE guidance and the RTS on reporting, and the new proposal for reporting logic cannot be accommodated.

3.3.3 Table 3 Margin data

Q82. Do you agree with the approach to reporting of margin data? Please detail

417. The approach proposed in the CP, related to the examples for reporting of margin data, has been broadly supported, however some respondents asked for additional explanations.

418. One respondent requested an additional example within the guidance for reporting the margin data of a trade for the first time, for a better understanding of reporting the action type 'MARU'. ESMA highlights that such example is already contained in the section 6.2.1.

419. One respondent stated that margin can be reported at a portfolio level without requiring specific UTI. ESMA has already clarified this aspect in several examples related to the reporting of margins.

420. With regard to the example of reporting of margin update at portfolio level for a cleared derivative, one respondent highlighted an inconsistency regarding the delegation of reporting from a clearing member to an NFC. ESMA implemented the correction accordingly.

421. One respondent asked for a rule to be implemented throughout the guidelines, regarding the collateralisation at the portfolio level, when at least one derivative contract in the portfolio must be outstanding. The same idea, according to the validation rules, should apply when collateralizing at UTI level, and such UTI must pertain to an outstanding derivative contract. Another respondent suggested to reconsider the possibility of allowing the submission of margin update reports over non-outstanding contracts, allowing additional scenarios of late reporting. ESMA has updated the Guidelines and the validation rules to clarify that the derivative has to be previously reported but not necessarily still outstanding.

422. In addition, one respondent asked that the applicable fields in Table 2 should be reviewed to incorporate a boolean field to allow counterparties to identify whether a contract is collateralized. Only if this field is set to 'True', counterparties would need to submit margin updates on a daily basis, that is also a flag used for TRs to determine the applicability of the missing margin report end-of-day report. However, ESMA noted that this request cannot be accommodated at this stage as it would require an amendment to the RTS and ITS on reporting.

423. One respondent reminded that the reporting rules provided through the Guidelines are very complex and it has not to be taken for granted the possibility to retrieve the required information on haircut from the internal position-keeping systems of the counterparties. ESMA highlights that the margin information, including the haircuts, was included in the global CDE Technical Guidance as part of the key derivative data.

424. Following to the request from one respondent ESMA added one example of reporting of margin data.

425. With regard to the examples of reporting margin update at the portfolio level for a cleared/uncleared derivative, one respondent spotted an inconsistency at XML level. ESMA considered this feedback and updated the Guidelines.

3.4 Guidelines on derivatives data management

3.4.1 Trade State Report

3.4.1.1 Introduction

426. Following to the feedback received, this section of the Guidelines was updated with a clarification concerning the provision of TSR to counterparties and authorities in cases where e.g. valuation data is submitted by a different report submitting entity.

3.4.1.2 Treatment of event date

Q83. Which of the two approaches provides greater benefits for data reporting and data record-keeping? Please elaborate on the reasons for your response.

Q84. In case Approach B is followed, should the TRs update the TSR when counterparties have reported lately the details of derivatives? If so, do you agree with the time limit ten years for such an update? Please elaborate on the reasons for your response

427. ESMA proposed two alternative approaches to construct the TSR from the perspective of the field 'Event date'. Alternative A would entail sequential chronological order derived from the interaction between field 'Reporting timestamp' and field 'Event date', whereas alternative B would entail chronological order obtained solely from the field 'Event date'.

428. Most respondents were in favour of alternative B which was thought to provide greatest benefits for data reporting and data record-keeping. However, a few of the respondents in favour of alternative B disagreed with the requirement for TRs to update the historical trade state of a derivative when receiving late reports or reports with event date in the past. Moreover, updating historical trade states for up to 10 years following the maturity of contracts was considered as adding unnecessary complexity and costs on the TRs.

429. Considering some of the technical challenges with the implementation of alternative B, ESMA further clarified in the Guidelines that updating the state in the past does not imply that TRs should reproduce and dispatch corrected historical TSRs on a recurrent basis and in an automated manner every time late reports or lifecycle events referring to event dates in the past are received. The TSR produced for a specific date should be considered as a snapshot of all available information at a certain point in time. However, the expectation is that TRs' internal databases should always be updated accordingly when counterparties submit late reports or lifecycle events referring to event dates in the past. The benefit of using the field 'Event date' would otherwise be limited if such logic was discarded.

430. TRs should have in place a process for reproducing and dispatching corrected historical TSRs only based on ad-hoc requests. Such TSRs, when reproduced, should include missing information from late submitted reports and lifecycle events referring to event dates in the past which were not included in the original TSR produced at a specific point in time in the past.

431. Whereas for non-outstanding derivatives TRs should be in a position to update their state for up to ten years following their maturity or termination. This limit is related to the requirement under Article 80(3) of EMIR for TRs to keep records of derivatives for at least ten years following their maturity or termination.

432. ESMA has added several examples in the Guidelines to illustrate how exactly the alternative B would work in practice in different reporting scenarios.

3.4.1.3 Uniqueness of derivatives and special fields

Q85. Are there any fields that should be taken into account in a special way not allowing change in values?

433. ESMA proposed in the CP that from the date of application of the RTS on reporting the uniqueness of derivatives concluded after that date should be ensured at the level of the UTI. From that date onwards, TRs should therefore use:

a. the triplet (LEI1-LEI2-UTI) to update the state of the derivatives concluded prior to the application date of the draft RTS on reporting,

b. the UTI to update the state of derivatives concluded after the application date of the draft RTS on reporting.

434. Following to the feedback and requests for clarifications received from the respondents, ESMA updated the above guidance to specify separately the fields that can or should be used to uniquely identify the derivative and the fields that cannot be modified.

3.4.1.4 Treatment of action type 'Revive'.

Q86. Is the guidance on treatment of action type "Revive" clear? What additional aspects should be considered? Please detail the reasons for our answer.

435. ESMA has updated the Guidelines to align with the final version of the RTS and ITS on reporting which allow for submission of a report with action type 'Revive' after 30 days from the expiration, termination or cancellation of a derivative.

436. Furthermore, ESMA has simplified the table showing the impact of the reports with action type 'Revive' on the TSR.

3.4.1.5 Reporting with action type 'EROR'

Q87. Should the TR remove after 30 calendar days the other side of a derivative for which only one counterparty has reported "Error" and no action type "Revive"? Please detail the reasons for your answer.

437. Where a counterparty sends a 'EROR' report for its side of the derivative, the TR that has received such report should remove the derivative reported by that counterparty from the TSR. The TR should do so even when the other counterparty reports to the same TR and has not made the same report.

438. A few respondents believe that TRs could remove the other side of a derivative, but 30 days is too short of a deadline as some issues take longer time to resolve. One respondent sees the benefits of TRs removing the other side of a derivative if counterparties are properly notified when it happens.

439. However, most respondents did not find it appropriate for TRs to remove the other side of a derivative, even if the first leg has been 'errored' and 30 calendar

days have lapsed. The responsibility should lie with the counterparties to resolve reconciliation breaks.

3.4.1.6 Inclusion in the TSR of notional schedules and other payments

Q88. Which alternative relating to the provision of the notional schedules and other payments data would be more beneficial? Which of the two alternatives has higher costs? Please detail the reasons for your answer.

440. There were two alternatives considered with regards to the provision of this information in the TSR:

a. Alternative A would entail the regular update of the TSR based on the schedule reported. This will reduce the amount of data provided to authorities and would facilitate the immediate assessment of exposures.

b. Alternative B would entail the provision of the full schedule in the TSR on a daily basis. While this would provide the highest level of transparency, it would also require authorities to set-up somehow complex processes to assess the current exposure, as they would need to process and remove unnecessary information for non-current data.

441. Most respondents were in favour of Alternative A, which will reduce the amount of data provided to authorities and would facilitate the immediate assessment of exposures as opposed to Alternative B.

442. Clarification if approach A is selected, as to whether the TR should include the details as of the reporting date of the TSR or the day prior to the reporting date, conscious that either may differ from the event date, was included in the Guidelines.

3.4.1.7 Dead derivatives

Q89. Do you agree with the described process of update of the TSR? What other aspects should be taken into account? Please elaborate on the reasons for your answer.

443. In the CP ESMA has proposed the following waterfall approach to be followed where the reporting counterparty has ceased to exist and has not terminated the outstanding derivatives and the TR becomes aware of this situation:

a. If the ERR is different from the reporting counterparty and that ERR has not used RSE, the TR should contact the ERR, should request the submission of reports with action types 'TERM' where the termination date is at the latest the date of the dissolution of the reporting counterparty and, simultaneously, should raise the issue to the NCA of the reporting counterparty. If the reporting counterparty or the ERR has used a RSE and that entity is still an active RSE at the TR, the TR should contact the RSE, should request the submission of reports with action types 'TERM' where the termination date is at the latest the date of the dissolution of the reporting counterparty and, simultaneously, should raise the issue to the NCA of the reporting counterparty.

b. If the previous step is not applicable, the TR should assess the maturity date of the outstanding derivatives that should be terminated in order to assess whether they would naturally expire in the following twelve months. If that is the case, no further action should be undertaken by the TR.

c. If the second step is not applicable, the TR should contact the other counterparty/ies to the outstanding derivatives, where those entities report directly to the TR, and request them to terminate the outstanding derivatives on behalf of the reporting counterparty while, if possible, raise the issue to the NCA(s) to follow-up with the other counterparty/ies.

d. Finally, in case none of the above is applicable, the TR, upon confirming with the NCA and notifying ESMA, should flag the relevant derivatives accordingly and not take them into consideration for the purposes of TSR, reconciliation process, or any subsequent aggregations such as position reporting. The feedback received was generally supportive of the waterfall approach to be used by TRs and NCAs when dealing with outstanding derivatives that have not been properly terminated by a reporting counterparty who has ceased to exist.

444. To address the feedback received, ESMA clarified that TRs should also exclude dead trades from the TSR, reconciliation process and any other subsequent aggregations.

445. Furthermore, ESMA clarified that no action is required by TRs for excluding dead trades that would naturally expire within 12 months. This is to alleviate the work of TRs and minimise the risks associated with the process of excluding trades.

446. The feasibility of implementing step c of the waterfall approach was questioned by a few respondents. In ESMA's view, there is no legal impediment for TRs to put in place the necessary arrangements. Moreover, this is how it has also been envisaged under the current Q&A 57.

3.4.2 Reconciliation

3.4.2.1 Scope of data subject to reconciliation

Q90. Should only the field 1.14 be used for determining the eligibility of derivative for reconciliation? Please detail the reasons for your response.

Q91. Is there any additional aspect that should be clarified with regards to the derivatives subject to reconciliation? Please detail the reasons for your response

447. Most respondents agreed with the proposal to use the conditions to determine the eligibility of derivatives for reconciliation as proposed in the CP, however some respondents asked for additional clarifications.

448. Following to the feedback received, ESMA considered that the scope of data subject to reconciliation with regards to countries joining the EU would need to be determined in legislation and delegated acts. Hence, ESMA will not include such clarification in the Guidelines.

449. Some respondents requested clarifications on the field(s) that should be used to determine whether or not a derivative has been outstanding in last 30 calendar days. The specification of outstanding derivatives is included in delegated act, in particular Article 2(2) of the ITS on reporting.

450. Respondents asked if, in the case approach B is followed (Q83) and out-of-sequence reporting is permitted, TRs should include late reported derivatives in the reconciliation process. ESMA clarified that depending on the action type and if the late report refers to an outstanding derivative subject to reconciliation, then TRs should attempt to reconcile the information.

3.4.2.2 Position-level vs trade-level reconciliation

Q92. From reconciliation perspective do you agree with the proposed differentiated approach for the latest state of derivatives subject to reconciliation depending on the level at which they are reported? What are the costs of having such a differentiation? Should the timeline for reconciliation of derivatives at trade level be aligned with the one for positions? Please detail the reasons for your response.

Q93. From data use perspective, should the information in the TSR and in the reconciliation report be different? Please detail the reasons for your response.

451. One of the main issues linked to the reconciliation of derivatives relates to the possibility for counterparties to report with a different time schedule the lifecycle events relating to the derivative. This is the case for all derivatives, but the impact is exacerbated in the case of position-level ones.

1. Performing the reconciliation process with a two-day lag would eliminate reconciliation breaks which are only caused by the timing aspect of reporting, for example where one counterparty reports at T and the other counterparty reports at T+1.

452. In fact, most respondents disagreed with the proposed differentiated approach and would rather see the position- and trade-level reconciliation to be aligned. From a TR perspective, having two separated processes involves higher maintenance cost and adds more complexity to their systems.

453. It was further clarified that TRs should reconcile the data in line with the relevant reconciliation tolerance, as well as the relevant start date as included in Table 2 of the Annex to the RTS on data quality.

3.4.2.3 Reconciliation of valuation

Q94. Which alternative do you prefer? What are the costs for your organisation of each alternative? Please elaborate on the reasons for your response.

454. Under the RTS on data quality, ESMA introduced the reconciliation of the information on valuation of derivatives. Mindful of the need to adjust the reporting systems, ESMA has included a delayed start of the reconciliation of the data on

valuation by two years. To be considered reconciled the valuation data should be expressed in the same currency as indicated in the RTS on data quality.

455. When one of the counterparties to the derivative is an NFC-, that entity is not required to report valuation data. ESMA understands that this would not allow for the performance of the reconciliation process of the valuation data, as one of the data sets would be missing.

456. The following two alternatives were proposed:

a. Alternative A: the TRs should reconcile all the derivatives for which valuation data has been reported in the last 14 calendar days.

b. Alternative B: TRs should include all the data in the reconciliation process and flag the derivatives where one of the counterparties have not reported valuation, irrespective of the reason, as not reconciled.

457. Mixed feedback was received where 4 respondents preferred alternative A, 8 respondents preferred alternative B, and 6 respondents did not have a clear preference or are strictly against the requirements for reconciling valuation information.

458. Main argument presented was that valuation of derivatives, especially OTCs, is not an exact science. Derivatives pricing models, market data, timing of fixings, and other parameters that go into the valuation of a derivative may slightly differ between two parties of a contract. However, ESMA believes that with the right reconciliation tolerance, valuation information should be subject to reconciliation as it constitutes an important part of EMIR reporting. Alternative B remained the preferred one which has been included in the final Guidelines. However, it has been clarified that the derivatives where one of the counterparties is NFC- and therefore is not subject to the requirement to report valuation data, should be flagged as 'Not applicable'.

3.4.2.4 Derivatives with two legs

Q95. Which alternative do you prefer? What are the costs for your organisation of each alternative? Please elaborate on the reasons for your response.

459. TRs should reconcile derivatives with two legs by reconciling each of the legs as reported by the counterparties. It is worth noting that in the case of most types of derivatives with two legs such as interest-rate swaps, cross-currency swaps and FX swaps, the order of the legs cannot be unequivocally defined, as there is no specific prevalence of one leg over the other.

460. The following two alternatives were proposed:

a. Alternative A: Counterparties should agree on the reporting of the respective legs of the derivative. When counterparties report inconsistently the two legs of the derivative, the TR might not succeed in matching the details of the derivative. This will put the burden on the counterparties as it would require them for the successful reconciliation to agree on a sequence for the reporting of the different legs. This would be consistent with the current framework.

b. Alternative B: When counterparties report inconsistently the two legs of the derivative, the TR should intend to match the two legs irrespective of the sequence, taking into account the values reported by the two counterparties under field 'Direction of leg 1' by matching the legs with opposite values. In case counterparty 1 has reported it with 'payer' the TR should reconcile it with the leg that is identified as 'receiver' or with the leg that is not identified, when leg one is identified with 'payer' This would move the burden to the TRs, but it would also limit the existence of reconciliation breaks, as well as it would facilitate their resolution.

461. Most respondents representing market participants were in clear favour of alternative B. Most respondents representing TRs were in favour of alternative A, apart from one who did not express a clear preference but mentioned that while option A is the simplest for TRs to implement, option B would ensure the legs are appropriately reconciled.

462. In order to avoid a situation where TRs and counterparties need to agree on the best practice, a few respondents suggested that ESMA should be in charge of providing clear guidance on how to report. ESMA believes that any guidance at this point would merely be artificial, therefore the two alternatives were proposed. Alternative B remains the preferred one which will be included in the final Guidelines.

3.4.2.5 Reconciliation of notional schedules and other payments

Q96. Do you agree with the proposed approach for reconciliation of notional schedules? Please elaborate on the reasons for your response.

463. With regards to the inclusion of notional schedules and other payments, ESMA proposes to align this approach with the one taken under section 3.4.1.6 referring to Q88. ESMA believes that this alignment should ensure consistent application of the requirements. Therefore the TRs should reconcile the data on notional schedules and other payments that is included in the TSR as of the date on which the reconciliation takes place.

464. Feedback received was mainly related to Alternative B proposed under Q88 and on how TRs should order the information in order to succeed with the reconciliation. Since alternative A was the preferred one under Q88, TRs will not be required to reconcile the full notional schedule, but only the one appearing in the TSR.

3.4.2.6 Derivatives between two systematic internalisers

Q97. Do you agree with the proposed approach for reconciliation of venues and the clarification in case of SIs? Please elaborate on the reasons for your response.

465. ESMA has updated section 4.20 of the Guidelines to clarify that in the case of a trade between two SIs, the counterparties should populate the field 'Venue of execution' with the MIC of the entity that is acting in the SI capacity for a given trade. Consequently, both counterparties are expected to populate the field with the

same value thus there is no impact on the reconciliation process. The respective section has been removed from the final Guidelines as no longer relevant.

3.4.3 Data Quality feedback

3.4.3.1 Rejection feedback

Q98. What other aspects need to be considered with regards to the aforementioned approach to rejection feedback? Please detail the reasons for your response.

466. In the CP, ESMA summarized the requirements pertaining to ensuring data quality by trade repositories, the relevant processes, timelines and details to be provided by trade repositories with respect to rejected data. Rejection feedbacks should be provided by means of immediate rejection response within 60 minutes after the reception of data and also by means of end-of-day reports made available by 6:00 UTC on the following working day.

467. One respondent considered given deadlines too strict and advocated for extension. However, the timelines are specified in the RTS on data quality and cannot be amended by the Guidelines.

468. With respect to the timelines another respondent asked for clarification whether the “working day” should be understood as in line with the TARGET 2 calendar or whether national calendars should be taken into account. ESMA confirmed in the Guidelines that TARGET 2 calendar should be used for the determination of working days. ESMA was further asked to specify more precisely the exact moment from when the 60 minutes start counting. The relevant moment is the minute when the submitted file entered the IT system of the trade repository, e.g. by being placed in the SFTP folder.

469. Several respondents to the CP pointed out that under current reporting regime the provided rejection information does not suffice for effective error handling and that current proposal of rejection categories is not granular enough to be useful in investigation or analysis of rejections. ESMA confirms that rejection categories will not be used for identification of errors, instead specific error codes and error messages containing xml paths for each validation rule will be provided in the rejection feedback. ESMA also takes into account a request for publication of the validation rules, so that all market participants are fully aware of each set of changes to the validation rules and the applicable effective dates when the TRs initiate the amended validations.

470. Further suggestions were received from one respondent to include in the rejection feedback values of some other fields, such as ‘Action type’, ‘Event date’ or ‘Reporting timestamp’ so that counterparties, RSEs or ERRs may more easily identify the rejected reports. ESMA has considered this feedback and updated the Guidelines accordingly to facilitate the identification of the rejected reports. This respondent further inquired whether blank values will be possible for these key fields in the rejection feedback, e.g. when UTI does not pass format validations. In case of format errors, submitted file will fail the validation against the XSD schema

and the whole file will be rejected. Furthermore ESMA clarified, that information on errors pertaining to the whole file should be made available to the RSE of the file and to all ERRs and counterparties populated in fields 1.3 and 1.4 in that rejected file as applicable, assuming it is possible to read the information from the rejected file. ESMA also clarified in the Guidelines that where the rejection (other than format rejection) pertains to field 1.4 'Counterparty 1 (Reporting counterparty)' or field 1.9 'Counterparty 2', these fields might not be populated in the rejection report.

471. The respondent proposed specific potential statuses, and related definitions, to be incorporated into the XSD schema. At file level the statuses were proposed ACPT (file is correct, schema authorization, filename and file size validations are passed), RJCT (failure in filename, file size or authorization validations), CRPT (schema validation fails, thus rejecting the complete file). At the record level statuses ACPT (logical and business validations are passed), RJCT (either logical or business validations fail) were proposed. ESMA confirms that relevant statuses are already included in the XSD schemas.

472. One respondent asked whether the end-of-day reports which should be provided to the RSE, ERR and the counterparty can be provided only to subset of these entities and who would ultimately decide upon such limits on file distribution. For example, if a counterparty can suppress a report being sent to a third-party vendor that only submits collateral on their behalf. For the distribution of files Article 4(1) of the RTS on data quality specifies that the end-of-day reports shall be made available to all of these entities. However, the TRs should use all the data they have collected to determine what information they should provide and to which RSEs, ERRs and counterparties. Additional clarifications were included in the Guidelines.

473. Two respondents expressed their preference to exclude from the end-of-day rejection feedback rejected records that have been resubmitted and accepted within the same day. Those rejections would only be included in the immediate rejection feedback, while the end-of-day rejection feedback would only contain information on issues that were not resolved by the end of the day. Even though ESMA recognizes the benefits of this proposal, it is worth emphasizing that Article 4(1)(c) of the RTS on data quality does not allow the TRs to provide information only on a subset of derivative reports that have been rejected during that day. Moreover, in such feedbacks the statistics on accepted, rejected and all daily submissions would not match with the provided details. This could create some confusion and it would not be possible to quickly recognize erroneous rejection feedback. ESMA will keep the current proposal where the total numbers should match the details of the report.

474. Respondents to the consultation queried whether the rejection feedbacks could, in addition, be provided in other format than ISO 20022 XML format. Article 1(3) and Article 4(1) of the RTS on data quality specifies that the rejection feedback should be provided in an XML format and a template developed in accordance with the ISO 20022 methodology. ESMA included a clarification that TRs could, in addition, use another interface to e.g. facilitate access to the information to the reporting counterparties and entities responsible for reporting that do not report directly to TRs and have a view-only access. However, rules or best practices

concerning any such services that the TRs decide to provide to the report submitting entities and counterparties are out of scope of these Guidelines.

475. Two respondents asked ESMA to provide further clarifications on the process of authorization / permissions of a report submitting entity as per Article 1(1)(c) of the RTS on data quality. ESMA clarifies that it is not necessary for all reporting counterparties and ERRs to be onboarded to the TR to provide explicit permission that the RSE is authorized to submit reports on their behalf. Also, it is not necessary to provide the permission before every trade. The permissioning is expected to be a one-off action at the start of reporting on behalf of the reporting counterparty or ERR, as applicable, and the RSE should provide a contact to the reporting counterparty or ERR so that TR could receive the permission from them.

3.4.3.2 Warnings feedback

Q99. Do you agree with the approach outlined above with regards to the missing valuations report? Are there any other aspects that need to be considered? Please detail the reasons for your response.
Q100. Do you agree with the approach outlined above with regards to the missing margin information report? Are there any other aspects that need to be considered? Please detail the reasons for your response.
Q101. Do you agree with the approach outlined above with regards to the detection of abnormal values and the corresponding end-of-day report? Are there any other aspects that need to be considered? Please detail the reasons for your response.

476. The CP introduced new feedback reports pertaining to warnings on missing valuations of outstanding derivatives, missing margin information of outstanding derivatives, and abnormal values reported in notional amount fields. These end-of-day reports should also be made available to the relevant entities no later than 06:00 UTC on the following working day.

477. With regards to warnings feedbacks, respondents raised again their objections and comments on strict timelines, format of the files, use of national calendars of working days and possibility to suppress distribution of the files. For warnings feedbacks same reasoning and conclusions on these issues apply as outlined for rejection feedbacks in the section 3.4.3.1.

478. Commenting on missing valuation and margin reports respondents pointed out that these reports should not be provided to entities who are not required to submit daily information on valuation and margins. ESMA confirms it is not expected that entities, e.g. NFC-, who are not required to submit that information would be receiving warnings feedback on missing valuations and missing margin information. Similarly, the missing margin information warnings feedbacks are not expected to be provided for uncollateralized trades. Relevant clarifications were included in the Guidelines. Excluding trades concluded prior to the application start date of the margin obligation or intragroup trades was considered too complex to be implemented by the TRs and therefore this proposal was not taken on board.

479. To easily identify uncollateralized trades it was proposed to add new field ’Collateralised‘ in Table 2, or to include field 3.11 ‘Collateralisation category’ also in

Table 2. However, adding a new field is not possible at this stage, therefore ESMA did not take this suggestion into account. Instead, ESMA clarified in the Guidelines that counterparties (that are required to report margin information) would need to send at least one 'Margin update' report to notify that the trade is uncollateralised.

480. One respondent asked ESMA to clarify that the number of outstanding derivatives included in the warnings feedback should be assessed from the viewpoint of counterparty 1. Clarification was included in the Guidelines.

481. Further clarification was sought whether the TRs are expected to reproduce the warnings reports for previous days, taking into account submissions to the TR which may have been accepted in the interim with a valuation timestamp value which influences the results. ESMA confirms it is not expected that the once provided warnings feedbacks would be regenerated and redistributed. The warnings reports should reflect the state of play at the end of the relevant day, and any further submissions should be reflected in the next day's warnings feedback.

482. One respondent pointed out an inconsistency in referring to the action type used for the first margin report submitted for a given UTI. ESMA confirms the first report should be submitted with Action type 'MARU' and amended the Guidelines accordingly.

483. The respondent also suggested that it should be differentiated in the warnings report whether the warning was generated because the information was never reported, or the information was outdated. ESMA confirms that for missing information the relevant data elements for valuation amount and timestamp or collateral timestamp will be blank, while for outdated information these data elements will be populated.

484. Another clarification was requested as to whether the missing margin information warnings reports will present the data at a collateral portfolio code level or at a UTI level. Both alternatives are technically possible, however the warnings are expected to inform about missing or outdated collateral for a derivative, therefore they are expected to be provided at UTI level.

485. Comments received on the reconciliation of valuations are addressed in section 3.4.2 and suggestions to include more examples on reporting of margins were reflected in section 3.3.3.

486. With regards to warnings feedbacks on abnormal values most respondents requested ESMA to provide guidance and workshops on the methods for outlier detection. However, ESMA does not envisage such guidance or workshops in the near future, even though it is obvious that with no common guidance a value could be considered abnormal by one TR and normal by another. ESMA will, however, monitor the implementation of outlier detection methods and consider possible further steps, with the ultimate goal to ensure comparable results. This approach will provide flexibility in order to have the possibility to change the values to adjust to market conditions. It will also reduce cases where TRs set different threshold levels resulting in a single trade being considered to be over the threshold level by one TR, but under the threshold level by another. More generally, the setting of threshold levels is an area where machine learning and/or AI could potentially be

utilised. This should lead to more considered and relevant threshold levels being established and enable the levels to be modified more easily.

487. A proposal was made to consider using the field 2.11 ‘Asset class’ instead of 2.9 ‘Product classification’ to categorize derivatives for the purpose of abnormal values detection. Population of ‘Asset class’ field is considered by the respondent to be of higher data quality than CFI code, therefore the categorization would be more reliable. ESMA considered this proposal and amended the Guidelines to reflect the change of fields.

488. A few respondents suggested also to expand the scope of this report to include other numerical fields linked to valuation, margin, and collateral updates. ESMA would be willing to consider such request, but it is not possible to change the technical standards at this point. A gradual implementation can be beneficial for minimising data quality issues and allow for adaptation.

489. A respondent asked ESMA to align the Guidelines with timelines of Article 4(2) of the RTS on data quality with respect to the content of the warnings feedback on abnormal values. ESMA confirms that reports received on the working day (and if needed also non-working days) preceding the working day when the feedback is generated should be included and amended the Guidelines accordingly.

490. Further requested clarification was included in the Guidelines on which records, and abnormal values should be included in the warnings feedback.

491. Respondent deemed inconsistent the list of action types considered for abnormal values feedback, specifically action type ‘POSC’, and the fact that only outstanding trades should be considered. However, it is necessary to highlight that abnormal values warnings feedback does not pertain only to outstanding derivatives, as specified in Article 4(1)(g) of the RTS on data quality. Non-outstanding derivatives should also be considered for outlier detection.

3.4.3.3 Reconciliation feedback

Q102. Is there any additional aspect related to the provision of reconciliation feedback by TRs that should be clarified? Please detail the reasons for your response.

492. In Table 3 to the Annex of the RTS on data quality, ESMA has included different categories of statuses for a derivative, as follows:

Table 1	
Reconciliation categories	**Allowable values**
Reporting requirement for both counterparties	Yes/No
Reporting type	Single-sided/dual-sided
Pairing	Paired/unpaired
Reconciliation	Reconciled/not reconciled
Valuation reconciliation	Reconciled/not reconciled
Revived	Yes/No

Table 1	
Reconciliation categories	**Allowable values**
Further modifications:	Yes/No

493. One respondent suggested adding 'not applicable' as a value in the category of valuation reconciliation to account for reporting features of ETDs. ETD trades reported with action type 'Position component' are considered as non-outstanding. Subsequent valuation updates are reported at position level, and not at trade level. Consequently these trades should always be flagged as 'not applicable'. Moreover, NFC- are not obliged to submit valuation updates for their derivatives which would lead to similar behaviour. Based on the feedback, the XML schema was revised to allow for the categorisation of certain cases as 'not applicable' rather than 'not reconciled'.

494. Other respondents to the consultation questioned whether the reconciliation feedback could, in addition, be provided in another format than ISO 20022 XML format. Article 1(3) and Article 4(1) of the RTS on data quality specifies that the rejection feedback should be provided in an XML format and a template developed in accordance with the ISO 20022 methodology. Any other services that the TRs decide to provide to the report submitting entities and counterparties are out of scope of these Guidelines.

495. Another respondent considered the given deadline to provide reconciliation feedback too strict and advocated for extension. However, the timeline is specified in the RTS on data quality and cannot be amended by the Guidelines.

496. Furthermore, it was suggested to clarify that field 'Further modifications' should be set to 'Yes' by TRs every time that a derivative contract is incorporated in the Trade Data Details following the reception of a lifecycle event other than 'NEWT', and that such value is kept until the updated contract is reconciled. Similarly, a clarification was requested on whether 'Revived' should be reported as 'True' if a report with action type 'REVI' has ever been reported for the derivative or should only the recent history of the derivative be considered. Relevant clarifications were provided in the Guidelines.

497. A few respondents noticed also some inconsistencies with Table 91 in the CP. The information in columns 3 and 4 had been shuffled around and did not necessary correspond to values in column 2. The table has been reviewed and amended accordingly.

3.4.3.4 Revive

Q103. Is there any additional aspect related to the rejection of reports with action type "Revive" by TRs that should be clarified? Please detail the reasons for your response.

498. A few respondents requested additional clarifications on some specific use case scenarios for action type revive and the 30-days limit. Clarifications were linked to

the 30-days limit, but since the limit was revoked, those clarifications were no longer relevant.

3.4.4 Data access

Q104. Regarding the requirements in the RTS on registration, as amended, and the RTS on data access, as amended, do you need any further specifications and/or clarification?
Q105. Are there any specific aspects related to the access to data based on UPI that need to be clarified? Please detail which ones.
Q106. What access rights would you like to be clarified and/or which access scenarios examples would you consider to be inserted in the guidelines? Please list them all, if appropriate.
Q107. Are there any aspects, or procedures you would like to be clarified? If yes, please describe in detail.
Q108. Is there any other information that should be provided by the entity listed in Article 81(3) EMIR to facilitate the swift and timely establishment of access to data?

499. Regarding the provision of access based on the UPI and the use of the available information published by ANNA-DSB one respondent asked ESMA for clarification with regards to any validation checks TRs will be expected to apply to the UPI. ESMA enhanced the validation rules with regards to the UPI (see validation rules for more details).

500. If a counterparty uses a third party to report their transactions, but the counterparty submits its valuation reports itself, under the current process the counterparty cannot see the valuation data in the TSR. ESMA clarified that it should be possible for all the reporting information to be amalgamated in the TSR so the parties have all the relevant information available. Furthermore, ESMA clarified that authorities should have access to all information in the TSR.

501. As respondents asked for more clarification, ESMA further elaborated the wording regarding trading venues, overall transaction data access, overall position data access and regarding takeover bids. ESMA took into account respondents' requests for relevant fields and filtering rules for the provision of access to data and amended the Guidelines accordingly.

502. Although respondents asked ESMA to provide an automated feed of indices ESMA decided that such automation is not necessary given the expected frequency and content of the updates.

4 Cost-benefit analysis

ESMA's choices in the Guidelines are of pure technical nature and do not imply strategic decisions or policy choices.

ESMA's options are limited to the approach it took to drafting these Guidelines and the need to ensure clarity, consistency of reporting and uniformity of formats.

The main policy decisions have already been analysed and published by the European Commission under the primary legislation, i.e. Regulation (EU) No 2019/834 of the European Parliament and of the Council of 20 May 2019. Similarly, ESMA conducted an assessment of the proportionality of the policy choices when submitting the draft technical and implementing standards to the European Commission on 16 December 2020[16].

5 Advice of the Securities and Markets Stakeholders Group

In accordance with Article 16 of the ESMA Regulation ESMA requested the opinion of the ESMA Securities and Markets Stakeholder Group. The SMSG decided not to provide an opinion.

[16] https://www.esma.europa.eu/sites/default/files/library/esma74-362-824_fr_on_the_ts_on_reporting_data_quality_data_access_and_registration_of_trs_under_emir_refit_0.pdf

Annex: Guidelines for reporting under EMIR

1 Legislative references, abbreviations and definitions

Legislative references

EMIR	Regulation (EU) 648/2012 of the European Parliament and Council on OTC derivatives, central counterparties and trade repositories - European Market Infrastructures Regulation[17]
SFTR	Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 [18] – Securities Financing Transactions Regulation
RTS on reporting	Commission Delegated Regulation (EU) No 2022/1855 of 10 June 2022 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the minimum details of the data to be reported to trade repositories and the type of reports to be used[19]
ITS on reporting	Commission Implementing Regulation (EU) No 2022/1860 of 10 June 2022 laying down implementing technical standards for the application of Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to the standards, formats, frequency and methods and arrangements for reporting and repealing Implementing Regulation (EU) No 1247/2012[20]

[17] OJ L 201, 27.7.2012, p.1
[18] OJ L 337, 23.12.2015, p.1
[19] OJ L 262, 7.10.2022, p. 1
[20] OJ L 262, 7.10.2022, p.68.

RTS on registration	Commission Delegated Regulation (EU) No 150/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards specifying the details of the application for registration as a trade repository, as amended by Commission Delegated Regulation (EU) 2019/362 of 13 December 2018 [21] and by Commission Delegated Regulation (EU) 2022/1857[22]
RTS on data quality	Commission Delegated Regulation (EU) No 2022/1858 of 10 June 2022 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the procedures for the reconciliation of data between trade repositories and the procedures to be applied by the trade repository to verify the compliance by the reporting counterparty or submitting entity with the reporting requirements and to verify the completeness and correctness of the data reported[23]
RTS on data access	Commission Delegated Regulation (EU) No 151/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data, as amended by Commission Delegated Regulation (EU) 2017/1800 and by Commission Delegated Regulation (EU) 2019/361, as amended by the Commission Delegated Regulation (EU) 2022/1856[24]

[21] OJ L 52, 23.2.2013, p. 25
[22] OJ L 262, 7.10.2022, p.41
[23] OJ L 262, 7.10.2022, p.46.
[24] OJ L 262, 7.10.2022, p.34.

RTS on organisation requirements	Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive

Abbreviations

CFI code	Classification of Financial Instruments code
CM	Clearing Member
CCP	Central Counterparty
CP	Consultation paper on Guidelines on Reporting under EMIR
CP on RTS/ITS	Consultation paper on the technical standards on reporting, data quality, data access and registration of TRs under EMIR REFIT[25]
FR on RTS/ITS	Final report on the technical standards on reporting, data quality, data access and registration of TRs under EMIR REFIT[26]
CPMI	Committee on Payments and Market Infrastructures
EC	European Commission
ECB	European Central Bank
EEA	European Economic Area
ERR	Entity responsible for reporting
ESCB	European System of Central Banks
ESMA	European Securities and Markets Authority

[25] https://www.esma.europa.eu/sites/default/files/library/esma74-362-47_cp_on_the_ts_on_reporting_data_quality_data_access_and_registration_of_trs_under_emir_refit.pdf

[26] https://www.esma.europa.eu/sites/default/files/library/esma74-362-824_fr_on_the_ts_on_reporting_data_quality_data_access_and_registration_of_trs_under_emir_refit_0.pdf

EU	European Union
FIRDS	Financial Instruments Reference Data System
FSB	Financial Stability Board
IOSCO	International Organisation of Securities Commissions
ISIN	International Securities Identification Number
ISO	International Organization for Standardization
ITS	Implementing Technical Standards
LEI	Legal entity identifier
MIC	Market identifier code
NCA	National Competent Authority
OJ	The Official Journal of the European Union
OTC	Over-the-counter
Q&A	Questions and Answers
RSE	Report submitting entity
RTS	Regulatory Technical Standards
SWIFT	Society for Worldwide Interbank Financial Telecommunication
TR	Trade repository
UTI	Unique Transaction Identifier
XML	Extensible Mark-up Language
XSD	XML Schema Definition

2 Scope

Who?

1. These Guidelines will apply to financial and non-financial counterparties to derivatives as defined in Articles 2(8) and 2(9) of EMIR, to trade repositories (TRs) as defined in Article 2(2) of EMIR and to competent authorities.

What?

2. These Guidelines will apply in relation to the derivatives reporting obligation as stated in Article 9 of EMIR and the TRs' obligations under Articles 78 and 81 of EMIR.

When?

3. These Guidelines will apply from 29 April 2024.

3 Purpose

4. These Guidelines are based on Article 16(1) of ESMA's Regulation. They fulfil several purposes with regards to the harmonisation and standardisation of reporting under EMIR. This is key to ensure high quality of data necessary for the effective monitoring of the systemic risk. Furthermore, increased harmonisation and standardisation of reporting allows to contain the costs along the complete reporting chain - the counterparties that report the data, the TRs which put in place the procedures to verify the completeness and correctness of data, and the authorities, defined in Article 81(3) of EMIR which use data for supervisory and regulatory purposes. The Guidelines provide clarifications on the following aspects:
   a. transition to reporting under the new rules,
   b. the number of reportable derivatives,
   c. intragroup derivatives exemption from reporting,
   d. delegation of reporting and allocation of responsibility for reporting,
   e. reporting logic and the population of reporting fields,
   f. reporting of different types of derivatives,
   g. ensuring data quality by the counterparties and the TRs,
   h. construction of the Trade State Report and reconciliation of derivatives by the TRs,
   i. data access.

4 General Principles

4.1 Transition to reporting under the RTS and ITS on reporting

5. All the reports submitted by the counterparties to the TRs after the start of reporting under the RTS and ITS on reporting will have to comply with the amended requirements. This applies to the reports of derivatives concluded after the reporting start date and to any modifications or terminations reported after that date, irrespective of when the derivative that is modified or terminated was concluded.
6. In general, any reportable lifecycle event will need to be reported in line with the revised requirements.
7. In accordance with the Article 10(2) of the ITS on reporting, the counterparties should update all their outstanding derivatives to conform with the revised reporting requirements within 180 calendar days of the reporting start date by submitting a report with event type 'Update', unless they have submitted a report with the action type 'Modify' or 'Correct' (correcting the details of the trade[27]) for such derivatives within this period (given that 'Modify' and 'Correct' will be full messages, thus reporting of a modification or a correction of the derivative will require provision of all relevant details of that derivative).
8. If the counterparty does not report within the 180-day transition period any modification or any correction of the derivative, it should submit a report using combination of action type 'Modify' and event type 'Update', populating all the relevant details in accordance with the RTS and ITS on reporting.
9. Even if a counterparty reports daily collateral and valuation updates, but no modification or correction was reported during transition period for a given derivative, the counterparty should update that derivative.
10. If the derivative matures or is terminated during the transition period, counterparties do not need to send the report with event type 'Update' when no reportable modification took place.
11. All outstanding derivatives, both at a trade and at a position level, should be updated. The derivatives at trade level that were included in a position are not outstanding and therefore should not be updated. Only the corresponding derivative at position level should be updated, to the extent it is outstanding on the reporting start date.
12. Terminated or matured trades should not be updated and re-reported. This is without prejudice to sending reports such as modifications and corrections with regards to past events for terminated or matured trades, where relevant.

[27] Action type 'Correct' will allow for correcting trade data or trade and valuation data or margin data. Only the report with action type 'Correct' related to trade data or trade and valuation data will ensure update of all relevant fields of a derivative. Valuation and margin data will be updated in any case by sending the daily valuation and margins reports (action types 'Valuation' and 'Margin update', respectively)

13. If a counterparty reopens a not-updated derivative with action type ‘Revive’, either during the transition period or afterwards, it should provide all relevant details of the derivative as of the date of the revival, as in any other ‘Revive’ report.

14. The transition period does not impact in any way the obligation under Article 9 of EMIR to report the relevant events by T+1. Therefore any conclusion, modification or termination of a derivative occurring after the reporting start date, should be reported accordingly by the end of the next working day (T+1), also if it occurs during the 6-month transition period.

15. During the transition period TRs should include all outstanding derivatives in the reconciliation process, irrespective of whether they have been updated or not. The fields required under the RTS and ITS on reporting will be subject to reconciliation as specified in the Annex to the RTS on data quality. Fields that were reported in the past but are no longer required under the RTS and ITS on reporting will not be reconciled.

16. The counterparties should not create a new UTI for outstanding derivatives, even if the original UTI is not fully compliant with the new format requirements under the RTS and ITS on reporting. This applies also to field 2.3 ‘Prior UTI’ and field 2.4 ‘Subsequent position UTI’.

17. In line with the EMIR validation rules TRs should not reject reports due to UTIs that are not fully compliant with the new requirements for those derivatives that were concluded before the reporting start date of the RTS and ITS on reporting.

18. In case of transfer of data between TRs, prior to the data transfer TRs should ensure that TR participants upgrade the outstanding derivatives that are subject to data transfer to the most up to date reporting requirement[28].

4.2 Determining the number of reportable derivatives

4.2.1 Reportable products

19. EMIR Article 9(1) states that “counterparties and CCPs shall ensure that the details of any derivative contract they have concluded and of any modification or termination of the contract are reported to a trade repository […]”. A derivative contract or derivative is defined in EMIR Article 2(5) as a financial instrument as set out in points (4) to (10) of Section C of Annex I to MiFID. In the last few years several uncertainties have been raised with regards to the qualification of certain contracts as derivatives. This section aims to provide clarification to market participants taking into account the current state of the regulations.

Currency derivatives

[28] See Guideline 11 in the ESMA74-362-2351 Guidelines on transfer of data between Trade Repositories under EMIR and SFTR

20. MIFID RTS on organisational requirements for investment firms[29] clarifies in Article 10 the characteristics of other derivative contracts relating to currencies which allows to differentiate between spot contracts that are not derivatives and forward contracts that are derivative contracts. In principle, and more particularly for major currency pairs, a FX contract is considered a derivative if the delivery is scheduled to be made at least 3 trading days after the execution of the contract, while under some circumstances this limit may be extended based on standard market practices. Based on the above elements, forward FX contracts are reportable under EMIR while spot FX contracts are not.

21. As an illustration a FX contract selling X EUR and purchasing Y USD traded on Monday 4 January 2021 and settling on Thursday 7 January 2021 is a forward contract and reportable under EMIR. A similar FX contract traded on Monday 4 January 2021 and settling on Wednesday 6 January 2021 is a spot contract and not reportable under EMIR.

22. A FX contracts selling X EUR and purchasing Z ZAR traded on Monday 4 January 2021 and settling on Wednesday 6 January 2021, for which the transaction is carried out in order to purchase an equity traded on the JSE[30] with a T+3 settlement cycle is not a derivative and thus not subject to reporting under EMIR based on the fact that when a FX contract is linked to the purchase of transferable securities or units of collective investment undertaking, it is considered as a derivative when the delivery is made after the delivery period of the market where the transferable securities or units in an undertaking for collective investment in transferable securities (UCITS) are traded or after 5 days, whichever is the shorter.

23. Furthermore, Article 10 provides that "a contract shall not be considered a spot contract where, irrespective of its explicit terms, there is an understanding between the parties to the contract that delivery of the underlying is to be postponed and not to be performed within" the period referred to in the above paragraphs.

24. For swaps, at first cross currency swaps and FX swaps are to be distinguished. Cross currency swaps are contracts that contain both an interest rate factor and a currency factor. They are considered as interest rate derivatives and should be reported as such under EMIR. FX swaps to the contrary only entail a FX factor (i.e. in general no interim payments occur). FX swap is a derivative composed of 2 legs, a near leg and a far leg. Regardless of whether the near leg is a spot or a forward, the FX swap should be reported as a single derivative rather than as a combination of derivatives. Further details on how these derivatives should be reported are contained in section 5.4.

Derivatives on crypto-assets

25. Only derivatives on crypto-assets that fulfil the definition of 'derivative' or 'derivative contract' under EMIR are expected to be reported.

[29] Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (Text with EEA relevance)
[30] Equity Market Risk Management | Johannesburg Stock Exchange (jse.co.za)

26. For the reporting of the details of derivatives, counterparties should rely on the regulatory framework that is applicable. Therefore, if the derivative on a crypto-asset is considered as a financial instrument under MiFID, it should be reported in accordance with its features.

27. In case where a counterparty enters a derivative contract with a crypto-asset as the underlying, it should populate the field 2.12 'Derivative based on crypto-assets' with 'True'.

Total return swaps, liquidity swaps or collateral swaps (in relation to SFTR)

28. Some obligations related to total return swaps (TRS) are included in SFTR, notably in Chapter IV relating to Transparency towards investors. Nevertheless, TRS are derivatives and thus are reportable under EMIR and not under SFTR. The definition in Article 3(18) of SFTR clearly states that a TRS "means a derivative contract as defined in point (7) of Article 2 of Regulation (EU) No 648/2012 in which one counterparty transfers the total economic performance, including income from interest and fees, gains and losses from price movements, and credit losses, of a reference obligation to another counterparty." It is to be noted that depending on the underlying, TRS are to be reported either as credit derivatives or as equity derivatives. Details on how these are to be reported can be found in sections 5.7 and 5.8.

29. Furthermore, Recital 7 of SFTR clarifies that some transactions that are commonly referred to as liquidity swaps and collateral swaps, which do not fall under the definition of 'derivative contracts' under EMIR, are included in the scope of SFTR. These contracts are not reportable under EMIR.

Complex contracts

30. In the case of contracts stemming from another contract (e.g. option on a future), the first contract ceases to exist before giving rise to the second one which is materially different from the first one. The two contracts should be reported separately, i.e. the second one should only be reported once the first contract is terminated. Therefore, even though the two contracts are connected in the way they come into existence, they should be reported in two separate reports. In case where the resulting contract does not qualify as a 'derivative' or 'derivative contract' as defined in EMIR Article 2(5), the resulting contract should not be reported.

31. In the case where a derivative has two or more legs (e.g. a single derivative contract representing a strategy that has the features of several contracts), all legs of the contract should be reported in one report, where the combination of fields allows for this. Otherwise, a report per leg should be submitted and those reports should be linked by using the same package identifier in field 2.6.

Market transactions that do not fall under the definition of a derivative

32. The following transactions do not fall under the definition of a derivative under EMIR and thus should not be reported under EMIR:

a. Financial instruments with embedded derivatives (e.g. convertible bonds): some financial instruments are issued with features that could be considered as derivatives embedded in the structure of the instrument itself. This is for instance the case of convertible bonds which according to Table 2.2 of Annex III of RTS 2017/583 “means an instrument consisting of a bond or a securitised debt instrument with an embedded derivative, such as an option to buy the underlying equity”.

b. Structured finance products or structured products are defined in Article 2(1)(28) of MiFIR as “those securities created to securitise and transfer credit risk associated with a pool of financial assets entitling the security holder to receive regular payments that depend on the cash flow from the underlying assets”.

c. Securitised derivatives are defined in Table 4.1 of Annex of RTS 2017/583 as “a transferable security as defined in Article 4(1)(44)(c) of Directive 2014/65/EU different from structured finance products”. These include at least:

- plain vanilla covered warrants;
- leverage certificates;
- exotic covered warrants;
- negotiable rights;
- investment certificates.

4.2.2 Reporting obligation with regards to the parties involved in the trade

33. Intragroup derivatives, not eligible for exemption, should be reported as any other derivatives and the corresponding field 2.37 ’Intragroup‘ should be populated as ’True‘. However, Article 9(1) EMIR provides for an exemption of intragroup derivatives from the reporting obligation where the relevant conditions are met. In these cases, both counterparties should continue to report until the conditions for applying the exemption can be met and the exemption is granted (further clarifications on the exemption are provided in the section 4.3).

34. Derivatives within the same legal entity (e.g. between two desks or between two branches of the same entity) should not be reported under EMIR as they do not involve two counterparties. The only exception is the situation in which a Clearing Member defaults and the CCP temporarily assumes both sides of the outstanding derivative contracts.

35. Similarly, non-EU subsidiaries of a group for which the parent undertaking is established in the Union are not required to report their derivatives under EMIR. In the case of contracts between an EU counterparty and a non-EU counterparty, the EU counterparty will need to report such contracts.

36. EMIR requires counterparties and CCPs to report. CCPs are defined in EMIR Article 2(1) and counterparties are defined either as FC if the entity falls under any of the categories of financial counterparties defined in EMIR or as an NFC if it is an

undertaking established in the Union other than a CCP or a FC. The concept of an undertaking is not defined in EMIR. However, the European Commission provides in its FAQ[31], question II.14 a rationale leading to the consideration that the *"concept of undertaking is broader than that of 'companies or firms' and thus, is not restricted to entities with legal personality or with for-profit-making (Article 54 TFEU)".* It is worth noting that individuals not carrying out an economic activity are consequently not considered as undertakings and thus are not subject to the reporting obligation under EMIR.

37. As a consequence, if the activity performed by the entity with a charitable nature or otherwise a non-profit profile falls under the definition of an economic activity that qualifies it as a charity or non-profit entity, it would be subject to the obligations applicable to non-financial counterparties for the derivatives concluded, including the reporting obligation.

38. With regards to investment funds (e.g. UCITS, AIF, unincorporated funds, IORP), the counterparty to the derivative is generally the fund (or in case of umbrella funds, the sub-fund). When a fund manager executes a contract for different funds at the same time (e.g. block trade), it should immediately allocate the relevant part of that contract to the relevant funds and report accordingly. As a consequence, the counterparty ID should be the ID of the fund, not the ID of the fund manager. According to Articles 9(1b) to (1d) EMIR, the fund manager shall report the OTC derivatives on behalf of the funds. The ID of the fund manager should be included as the entity responsible for reporting and where it reports directly as the report submitting entity. It should be noted that in rare circumstances, the fund manager executes trades on its own account and not on behalf of the funds it manages. In such case the counterparty would be the fund manager.

39. Non-EU AIFs that are set up exclusively for the purpose of serving one or more employee share purchase plans, or that are securitisation special purpose entities as referred to in point (g) of Article 2(3) of Directive 2011/61/EU, do not qualify either as FCs under Article 2 (8) nor as NFCs under Article 2(9). As such, these AIFs are not subject to the reporting obligation and therefore, they should not report derivatives under EMIR. However, if the other counterparty is subject to the reporting obligation under EMIR, that counterparty should report derivatives concluded with such non-EU AIFs.

40. More generally, with regards to funds and in particular when an AIFM is managing AIFs domiciled in the Union and AIFs domiciled in third countries, fund manager should establish whether the AIF qualifies as a FC under EMIR Article 2(8). In case the AIF qualifies as a FC, the AIFM that is authorised or registered under AIFMD should ensure that the derivative details are reported.

41. Finally, some specific entities are out of scope of EMIR in general in accordance with EMIR Article 1(4) such as the BIS, central banks or public bodies charged with or intervening in the management of the public debt for a given list of countries. However, with regard to Article 1(5) the reporting obligation is the only EMIR

[31] emir-faqs-10072014_en.pdf (europa.eu).

obligation that applies to multilateral development banks, some public sector entities, the ESF and ESM.

42. Investment firms that provide investment services (such as execution of orders or receipt and transmission of orders) without becoming a counterparty to a derivative by acting as principal do not have an obligation to report under EMIR. Nevertheless, in case the investment firm acts as an investment fund manager as described in paragraphs 1b, 1c or 1d of EMIR Article 9, then this investment firm becomes responsible and legally liable to report on behalf of the counterparty and to report its own LEI in the field 1.3 'Entity responsible for reporting'.

43. Similarly, when a management company provides the service of portfolio management (as defined in Article 4(8) of MiFID) to a client, and, by doing so, enters into derivative contracts, the client should be considered as the counterparty to the derivative, except when the management company bears the risk of the derivative contract and therefore is considered as a counterparty. The management company can report to TRs on behalf of its clients without prejudice to the client's liability for meeting the reporting obligation. In that situation, the ID of the management company should be provided as the report submitting entity ID.

44. When a broker is a counterparty to a derivative, it should report the derivative and identify itself as a counterparty. In line with the RTS on reporting and more particularly with regard to the details to be reported in the field 1.15, the broker is then not required to report its LEI in the field 'Broker ID' Otherwise, if a broker only acts as an intermediary for counterparty 1, the LEI of the broker should be reported in the 'Broker ID' field.

4.2.3 Reportability in specific scenarios

45. Reporting under EMIR is dual-sided, i.e. both counterparties to derivative contracts are required to report if they fall under the scope of EMIR. As a consequence, for a derivative entered into by two counterparties subject to EMIR, the same derivative is expected to be reported twice, once on behalf of each counterparty, and the details of the reported derivative should be consistent across both reports.

46. Article 9(1e) stipulates that counterparties and CCPs should ensure that such details are reported correctly and without duplication. Based on this requirement, counterparties or other entities responsible for reporting should put in place processes and controls in order to avoid the risk of duplicate reporting. This is particularly important (i) in the case of a change of TR (ensure that the reports are channelled to the right TR), (ii) in the case of a corporate event such as a merger or an acquisition (avoid reporting the same derivative on behalf of the wrong entity) or (iii) in the case of changes in delegation (ensure that only one delegated entity reports a derivative). In case a duplicate report is identified the counterparty should immediately take corrective actions with diligence in order to resolve the problem.

47. In the event of a novation, where a counterparty (being a CCP or another counterparty) steps into a derivative and becomes a new counterparty to the derivative (this paragraph does not cover clearing events), the derivative should be reported with action type 'New' and event type 'Step-in' by both counterparties, i.e.

the new counterparty stepping-in as well as the counterparty that does not change. For the original report relating to the existing derivative, both counterparties should send a report with action type ‘Terminate’ and event type ‘Step-in’, populating the field 2.45 ’Early termination date’.

48. For block trades, there is a distinction necessary between (i) scenarios where the block trade was concluded by an investment firm and then allocated to clients and (ii) those scenarios where the block trade was concluded by a fund manager without own reporting obligation and then allocated to individual funds.

49. In the first case the block trade should first be reported by the investment firm. The investment firm should then report the allocations to the individual clients.

50. In the second case, block trades that are subsequently allocated to individual funds on trade date are not required to be reported. In such cases, the counterparty to the derivative is the individual fund, therefore the allocations should be reported (a) specifying the relevant individual fund (on behalf of which the fund manager has entered into the block trade) as counterparty to the said trade and (b) specifying the allocation of the relevant part of the trade to the relevant individual fund. Any parts of a block trade that are not allocated on trade date should be reported with the fund manager as the counterparty. This reporting logic would only apply where the allocation post trade date is permitted by the applicable national legislation.

51. In case a collateral agreement allows the covering of exposures in transactions that are not to be reported under EMIR, the collateral reported should be just the collateral that covers the exposure related to the derivatives reported under EMIR. If it is impossible to distinguish within a pool of collateral the amount which relates to derivatives reportable under EMIR from the amount which relates to other transactions, the collateral reported can reflect the actual collateral posted / received covering a wider set of transactions. As a consequence, in case none of the transactions covered by the report is reportable under EMIR, no collateral should be reported.

52. Regulation (EU) 2019/834 of the European Parliament and of the Council of 20 May 2019 amending Regulation (EU) No 648/2012 removed the backloading requirement from Article 9 of EMIR, therefore derivatives concluded before and no longer outstanding on 12 February 2014 are not subject to the reporting obligation.

53. Where no contracts are concluded, modified or terminated during several days, no reports are expected apart from updates to valuations or collateral on outstanding derivatives, as required. As the obligation to report should be complied with by T+1 (T being the date of conclusion/modification/termination of the contract), there is no other need to send daily reports if there are no conclusion, modifications to the contract or termination.

54. Derivatives that are concluded and then netted or terminated for other reasons during the same day, should be reported to TRs. In case of a termination during the same day, at least two reports should be sent: a report with action type ‘New’ and a second report with action type ‘Terminate’ and the relevant event type, unless the derivative is reported with action type ‘Position component’ in which case it will be

netted into the subsequent position (please refer to section 4.7 for position level reporting specificities).

55. With regards to cleared derivatives, the Article 2 of the RTS on reporting details how trades that are cleared should be reported. As a consequence, if the derivative is not cleared on the same day by a CCP or if the derivative is concluded off venue, the derivative should first be reported in its original state and then, once it is cleared, the original derivative should be terminated with action type 'Terminate' and event type 'Clearing'. The subsequent derivative should be reported with action type 'New' and event type 'Clearing' or, if relevant, with action type 'Position Component'.

4.3 Intragroup exemption from reporting

56. The three-month period referred to in Article 9(1) EMIR, as amended by Regulation 2019/834, in which the authorities may disagree with the fulfilment of the above conditions, starts on the calendar day following receipt of the notification(s) by the relevant NCA(s).

57. The exemption should be valid from the date when the NCA(s) confirm(s) to the counterparty(ies) that the conditions to use the exemption are satisfied, or if no decision is notified by the NCA(s), it will be valid from the end of the three-month non-objection period. If the conditions, referred to in the third sub-paragraph of Article 9(1) EMIR, as amended by Regulation 2019/834, may be no longer fulfilled due to a change in the counterparties characteristics, the counterparties need to inform the relevant NCA(s). Without prejudice to the existing exemption, the NCA(s) can object to the use of the exemption if the conditions are no longer met. From the point in time at which the NCA objects to the use of the exemption the exemption will not be valid.

58. It should be noted that the counterparties should report derivatives during the three-month period unless the NCA(s) notify(ies) the counterparty(ies) that they agree upon fulfilment of the conditions before the three-month period expires.

59. With regards to the reference to the 'parent undertaking' for the purpose of the conditions for the exemption under Article 9(1) EMIR, as amended by Regulation 2019/834, it should be considered that:

a) the ultimate parent undertaking of the group[32] relevant for the consolidation on a full basis is the parent undertaking for that purpose, and

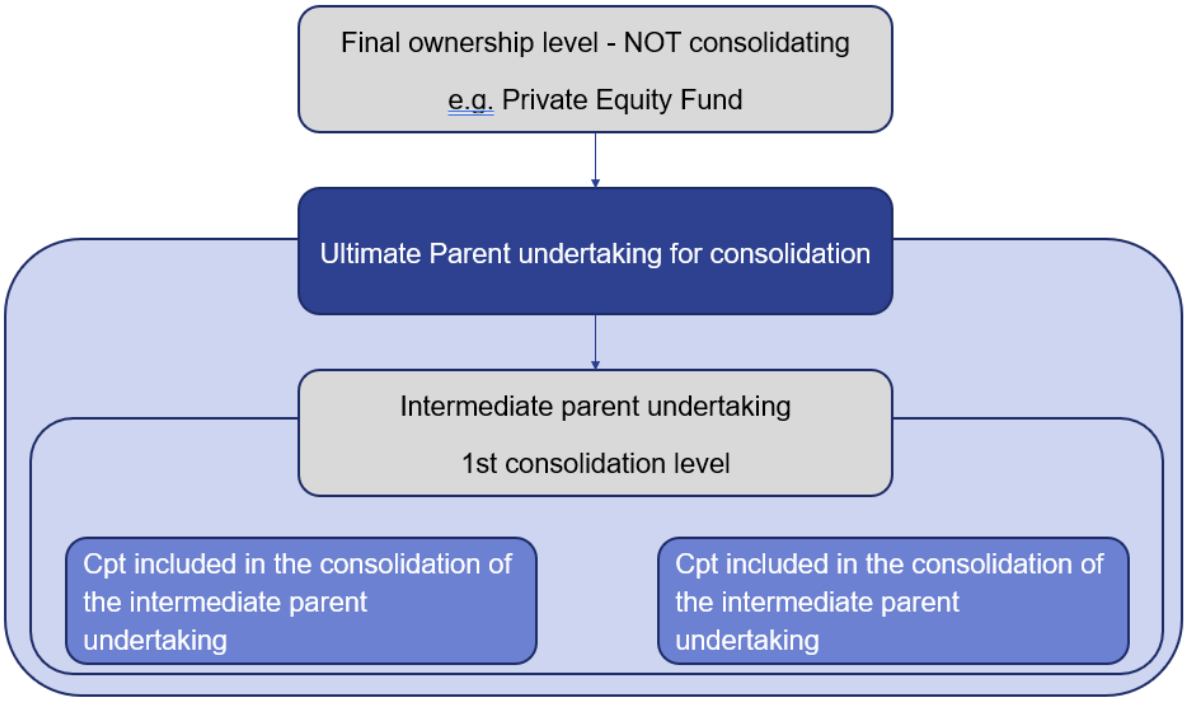
b) the centralised risk evaluation, measurements and control procedures should be applicable for the counterparties notifying the exemption from reporting. It is not

[32] The European Commission has clarified that the exemption contained in Article 9(1) of EMIR does not cover intragroup transactions for which the parent undertaking is established in a third country, even if the transaction occurs between two counterparties which are both established in the EU. (see ESMA EMIR Q&A TR Answer 51 (m).)

necessary that they are established at the level of the whole group of the ultimate undertaking.

60. The notion of ultimate parent undertaking under point a) here above is to be understood as the highest consolidating entity in the group. Figure 1 illustrates the general case.

FIGURE 1: EXAMPLE OF A TWO-LAYER GROUP STRUCTURE



61. Some specific use cases are detailed in Figure 2, Figure 3, Figure 4 and Figure 5.

FIGURE 2: FULL CONSOLIDATION BY THE ULTIMATE PARENT UNDERTAKING

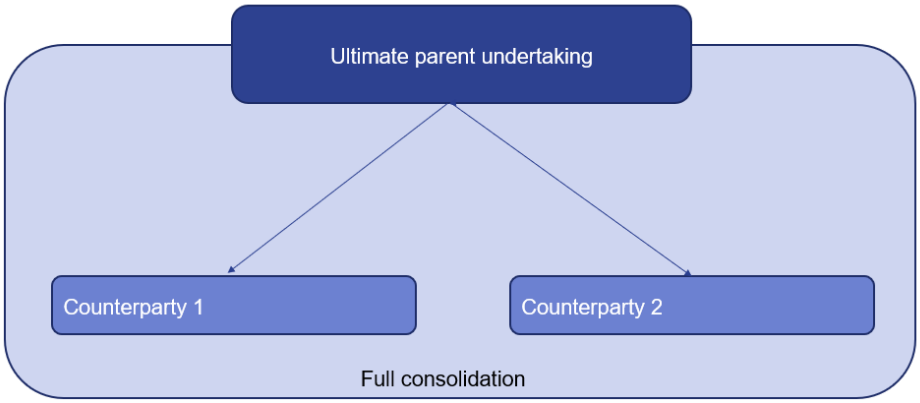


FIGURE 3: FULL CONSOLIDATION BY THE ULTIMATE PARENT UNDERTAKING WITH ANOTHER ENTITY HAVING FINAL OWNERSHIP

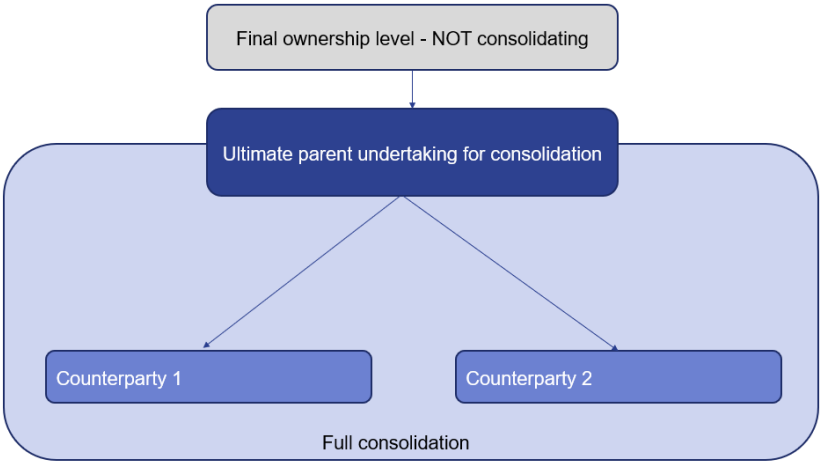


FIGURE 4: FULL CONSOLIDATION BY THE ULTIMATE PARENT UNDERTAKING WITH AN INTERMEDIATE PARENT

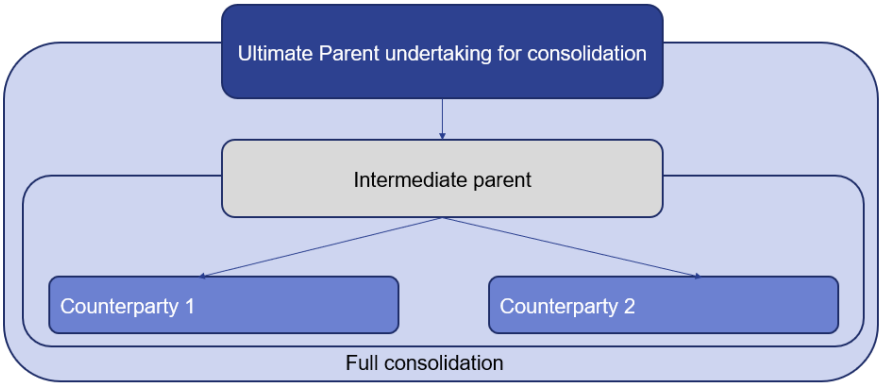
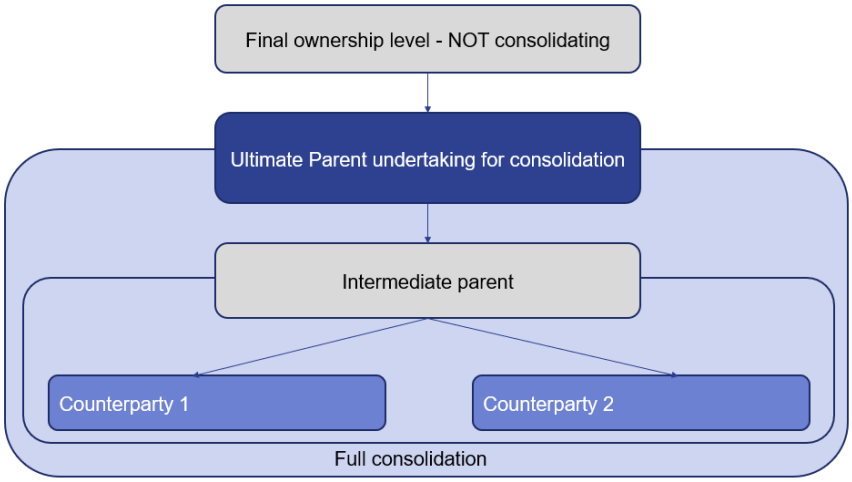


FIGURE 5: FULL CONSOLIDATION BY THE ULTIMATE PARENT UNDERTAKING WITH AN INTERMEDIATE PARENT AND WITH ANOTHER ENTITY HAVING FINAL OWNERSHIP



62. Counterparties should submit their notifications to their respective NCAs (individual notifications should be sent to each NCA where counterparties are located) in accordance with the procedures adopted by those NCAs in each Member State. If this is acceptable for the respective NCA, the ultimate parent undertaking (as per paragraph 59 of these Guidelines) or the entity relevant for centralised risk evaluation, measurements and control procedures with regards to the counterparties for which the exemption is notified may provide a single notification identifying each entity of its group situated within that Member State for which exemption is requested. It is not necessary that the ultimate parent undertaking or the entity relevant for centralised risk evaluation, measurements and control procedures with regards to the counterparties for which the exemption is notified, is a counterparty to a derivative contract, neither that it is located in the Member State where it submits a notification.

63. When notifying of their intention to apply the exemption from the reporting obligation in accordance with Article 9(1) EMIR, the notifying counterparty should state that it fulfils the conditions laid down in the third subparagraph of Article 9(1) EMIR and, if applicable, should indicate the other NCA(s) that have been notified with regards to the counterparty(ies) included in the notification. The NCA may ask for additional information and/or documents to assess the fulfilment of the conditions laid down in the third subparagraph of Article 9(1) EMIR.

64. Counterparties may notify their intention to apply an intragroup exemption even if the counterparties have not yet concluded any derivatives and consequently apply the exemption unless one of the NCAs objects for derivatives concluded after the exemption has been granted. Nevertheless, the notification should only be submitted once all the conditions specified in third sub-paragraph of Article 9(1) of EMIR are fulfilled.

65. When counterparties of the same group established in at least two different Member States notify their NCAs of their intention to apply a reporting exemption under Article 9(1) EMIR, each NCA needs to consider whether the conditions laid down

in the third subparagraph of Article 9(1) are met. NCAs may disagree on the fulfilment of these conditions. Where one of the NCAs considers that the conditions are not fulfilled, it should notify the counterparty in its Member State as well as the other NCA(s) within the three-month period of the receipt of the notification and specify the reasons.

66. Where counterparties want to benefit from the exemption from reporting and once they consider they have addressed the objection(s) raised by the objecting NCA(s), they should renotify accordingly of their intention to apply the reporting exemption under Article 9(1) EMIR.

67. A derivative contract between a financial counterparty (FC) and non-financial counterparty (NFC) where:

    a. the FC belongs to both a group of undertakings referred to in Article 3(1) or Article 80(7) and (8) of Directive 2006/48/EC (CRD), and another group referred to in Articles 1 and 2 of Directive 83/349/EEC, and

    b. the NFC merely belongs to the group under Articles 1 and 2 of Directive 83/349/EEC,

    c. may be eligible for an intragroup exemption from reporting. Notably, in accordance with the definition of 'group' in Article 2(16) EMIR, as amended by Regulation 2019/834, such a contract may be eligible for an intragroup reporting exemption if the NFC, while not consolidated under the CRD, is part of the same consolidated non-financial group as the FC.

68. For the avoidance of doubt, if counterparties notify their respective NCAs on different dates, they should wait until the end of the later of the two three-month periods before relying on the exemption (provided neither NCA objected) or until all relevant NCAs agree on the fact that the conditions laid down in the third subparagraph of Article 9(1) EMIR are met. The reporting exemption for the derivative contracts concluded by the relevant counterparties is not valid, if one NCA has objected to it. Therefore, the derivatives concluded between the counterparties, that are included in the notification, should continue to be reported.

69. Once the reporting exemption is valid, the counterparties that benefit from the exemption should send reports with action type 'Error' for all the derivatives referred to in paragraphs 2(a) and 2(b) of Article 2 of the ITS on reporting with the counterparties for which the reporting exemption is valid.

70. If the reporting exemption ceased to be valid due to a non-compliance with any of the conditions referred to in the third sub-paragraph of Article 9(1) EMIR, the counterparties concerned should report the derivative contracts that have been concluded and have not been terminated by the counterparties nor matured on the date the exemption ceased to be valid using action type 'New' and event type 'Trade' and provide all the relevant details of those derivatives as they stand on the date when the exemption ceases to be valid, and report all subsequent lifecycle events as they occur. It is not necessary to report the lifecycle events to the derivative that occurred between the date of conclusion of that derivative and the date when the exemption ceased to be valid. If these derivatives were previously

cancelled with action type ‘Error’ at the moment when the exemption was granted, the counterparties should report such derivatives with action type Revive. Also in this scenario, it is not necessary to report lifecycle events that occurred during the period when the exemption from reporting was valid.

4.4 Allocation of responsibility for reporting

4.4.1 General clarifications

71. In accordance with EMIR Article 9(1), counterparties and CCPs are required to ensure that the details of any derivative that is reportable as described in the section 4.2 are reported to a TR. Therefore, unless an exemption applies or unless a different party is responsible and legally liable for reporting pursuant to Article 9(1a) of EMIR, the reporting obligations apply to all counterparties and CCPs established in the Union as soon as they enter into a derivative contract. This means, that such a derivative should be reported no later than the working day following its conclusion, modification or termination.

4.4.2 FC trading with NFC

72. With regard to the provisions under Article 9(2) of the ITS on reporting, ESMA considers that, in order to fulfil the respective requirements, NFC- and FC should agree on the way to exchange information in each of these cases. More particularly, with regard to Article 9(2)(a) of the ITS on reporting, those arrangements should allow the FC to have the information no later than T+1 after the conclusion or modification of a contract so that the FC can proceed to the timely reporting. This can be achieved e.g. by providing a list of predefined standard values to be used as default by the FC, unless specified otherwise by the NFC-. In any case the NFC- remains responsible for providing the FC with correct details and the FC is responsible for using the information provided by the NFC-. As an example of predefined values, consider the case where an NFC- is entering into derivative contracts with a credit institution without the use of a broker, not clearing those contracts and entering into them only to hedge its commercial activity in the sense of EMIR Article 10(3). In this case, the NFC- could agree that the FC reports the below pre-defined values in the fields specified in Article 9(2) of the ITS on reporting, unless the NFC- specifically instructs the FC otherwise:
    a. 1.15 ‘Broker ID’: blank.
    b. 1.16 ‘Clearing Member’: blank.
    c. 1.20 ‘Directly linked to commercial activity or treasury financing’: ‘True’.
73. ESMA takes this opportunity to remind market participants that NFC- are not required to report data on collateral, mark-to-market, or mark-to-model valuations of the contracts in accordance with Article 4 of the RTS on reporting. Nevertheless, should the FC report this information, it should be correct as of the respective collateral or valuation timestamp.

74. A particular situation is where a conclusion of a derivative has been reported or should have been reported by the NFC- (either because it was executed before the provisions setting out the reporting responsibility became applicable on 18 June 2020 or because the NFC- opted-out at the time of the execution), and a modification or termination is to be reported under the provisions assigning the responsibility and legal liability to the FC. More particularly, this situation might happen during the transition period, thus under the principles explained in section 4.1 on the transition to the new reporting standards. ESMA considers as well that the arrangements between the NFC- and the FC should take into account such situations in order to ensure the continuity of the reporting in terms of content, timeliness and adequacy. The counterparties should as well ensure that those contracts are not reported with duplication.

75. For any outstanding OTC derivatives where an FC and an NFC- report to two different Trade Repositories at the moment the responsibility and legal liability are transferred, the outstanding OTC derivatives of the NFC- should be ported to the TR of the FC at that moment, unless the FC decides to become client of the TR of the NFC- and report the OTC derivatives concluded with the NFC- to that TR. Similarly, each time when NFC changes its status from NFC- to NFC+, and thus the responsibility and legal liability is transferred to the NFC, the outstanding OTC derivatives concluded with the FC should be ported to the TR of the NFC, unless the NFC decides to become client of the TR of the FC and report the OTC derivatives concluded with the FC to that TR. Any such transfer of OTC derivatives between the TRs of any pair of FC-NFC should be performed following the Guidelines on transfer of data between Trade Repositories[33] (in particular, the derivatives subject to transfer should not be cancelled and re-reported by the counterparties, but rather transferred as specified in the Guidelines).

76. With regard to Article 9(2)(b) of the ITS on reporting, the fields 1.7 ‘Clearing threshold of counterparty 1’ and 1.13 ‘Clearing threshold of counterparty 2’ are part of the reportable details. To the extent possible, the NFC- should inform the FC of an anticipated change in its status ahead of the date of the required annual calculation of its positions pursuant to the Article 10(1) of EMIR to avoid any disruption in the continuity of reporting. While the status of the NFC is known and primarily assessed by the NFC itself, the FC should collect the information on a regular basis in order to be able to perform its own reporting. When the FC becomes aware of a change from NFC+ to NFC- after the calculation date, it should submit the missing reports pertaining to the OTC derivatives that were concluded, modified or terminated after that date without undue delay. Such submissions should be done, upon having received from the NFC all relevant details (as per Article 9(2)(a) of the ITS on reporting) pertaining to these derivatives.

77. Similarly, the NFC should take all relevant steps in order to ensure that it is capable to take over the reporting once it changes its status from NFC- to NFC+ in order to ensure continuity of the reporting in terms of content, timeliness and adequacy. This

[33] https://www.esma.europa.eu/sites/default/files/library/esma74-362-2351_final_report_-_guidelines_on_data_transfer_between_trade_repositories_emir_sftr.pdf

includes as well that the NFC should inform the FC as soon as possible and therefore, the NFC should ideally anticipate the change.

78. With regard to the Article 9(2)(c) of the ITS on reporting, NFCs are responsible for ensuring that their LEI is renewed in a timely fashion. In order to avoid disruptions in the reporting and for the FC to avoid having to manage rejections by the TRs, ESMA considers that FC can e.g. timely liaise with the NFC- so that the latter renews its LEI. Nevertheless, if the NFC- has not timely renewed its LEI and therefore FC was not able to successfully report on behalf of NFC-, the FC should submit the missing reports without undue delay as soon as the LEI of the NFC- is renewed.

79. While the obligation to report OTC derivatives is no longer on the NFC-, ESMA considers that it is of utmost importance that both counterparties, including the NFC-, are in possession of complete and up-to-date information about the details of the derivatives that have been reported to a TR. Therefore, ESMA considers that FCs can e.g. provide its NFC- counterparties on regular basis (e.g. monthly) with the information concerning the contracts that are outstanding at the TRs. Being able to compare its own records with the records of derivatives stored at the TRs on a regular basis would support the NFC- in fulfilling its other obligations as defined under EMIR and more particularly to EMIR Article 9(2) “Counterparties shall keep a record of any derivative contract they have concluded and any modification for at least five years following the termination of the contract” or other relevant regulations as well as to be aware of the information that is available to the entities listed in EMIR Article 81(3) on their behalf.

80. For the avoidance of doubt, ESMA stresses again that all the aforementioned clarifications apply only to OTC derivatives. Thus, for ETDs, i.e. any derivative contracts that do not qualify as OTC based on the definition of Article 2(7) of EMIR as amended by Article 32 of SFTR, the counterparty remains responsible and legally liable for reporting the details to a TR and the provisions related to the transfer of responsibility and legal liability do not apply. Counterparties cannot assume that all options and futures traded on venue are ETDs.

81. In very specific cases, external circumstances might lead to a change in the allocation of responsibility for the reporting e.g.:

    a. FC that was established in an EEA country will be established in a third country,

    b. Derivative contract changes from OTC to ETD or vice versa.

82. In such cases, ESMA considers that the allocation of responsibility depends on the situation at each time a reporting requirement arises, e.g. for a derivative contract that is considered OTC until 30//11 and becomes an ETD as of the 1/12, the FC is responsible for reporting until 30/11 included while the NFC- will be become responsible and legally liable for reporting as from the 1/12. All other provisions of these guidelines will be applicable in accordance with the allocation of responsibility.

83. Another limitation is that the provisions on allocation of responsibility only apply when the FC is established in the Union or where the conditions laid down in the fourth sub-paragraph of Article 9(1a) of EMIR are fulfilled.

84. Finally, counterparties should take into account the situation of the implementation of the amendments to EMIR in EEA countries (Iceland, Liechtenstein and Norway). Until the amendments to EMIR are incorporated into the EEA agreement and transposed into the national laws of these countries, counterparties should carefully assess their obligations when trading with EEA counterparties and have arrangements in place to ensure that reports are made without duplication.

Table 2 - Population of the fields pertaining to counterparties, report submitting entity and entity responsible for reporting

Scenario		Report submitting entity (field 1.2)	Entity responsible for reporting (field 1.3)	Counterparty 1 (field 1.4)	Counterparty 2 (field 1.9)
FC reporting on behalf of NFC- in accordance with Article 9(1a)	*Leg 1*	*FC LEI*	*FC LEI*	*FC LEI*	*NFC- LEI*
	Leg 2	*FC LEI*	*FC LEI*	*NFC- LEI*	*FC LEI*
FC reporting on behalf of NFC- in accordance with Article 9(1a) and FC delegating to RSE	*Leg 1*	*RSE LEI*	*FC LEI*	*FC LEI*	*NFC- LEI*
	Leg 2	*RSE LEI*	*FC LEI*	*NFC- LEI*	*FC LEI*
NFC- opting out from FC reporting on their behalf in accordance with Article 9(1a)	*Leg 1*	*FC LEI*	*FC LEI*	*FC LEI*	*NFC- LEI*
	Leg 2	*NFC- LEI*	*NFC- LEI*	*NFC- LEI*	*FC LEI*
NFC- opting out from FC reporting on their behalf in accordance	*Leg 1*	*RSE LEI*	*FC LEI*	*FC LEI*	*NFC- LEI*
	Leg 2	*RSE2 LEI*	*NFC- LEI*	*NFC- LEI*	*FC LEI*

Table 2 - Population of the fields pertaining to counterparties, report submitting entity and entity responsible for reporting

Scenario		Report submitting entity (field 1.2)	Entity responsible for reporting (field 1.3)	Counterparty 1 (field 1.4)	Counterparty 2 (field 1.9)
with Article 9(1a) FC delegating to RSE NFC- delegating to RSE2					
NFC+ delegating to FC	*Leg 1*	*FC LEI*	*FC LEI*	*FC LEI*	*NFC+ LEI*
	Leg 2	*FC LEI*	*NFC+ LEI*	*NFC+ LEI*	*FC LEI*
NFC+ delegating to FC and FC subdelegating to RSE	*Leg 1*	*RSE LEI*	*FC LEI*	*FC LEI*	*NFC+ LEI*
	Leg 2	*RSE LEI*	*NFC+ LEI*	*NFC+ LEI*	*FC LEI*
NFC+ not delegating to FC	*Leg 1*	*FC LEI*[34]	*FC LEI*	*FC LEI*	*NFC+ LEI*
	Leg 2	*NFC+ LEI*[35]	*NFC+ LEI*	*NFC+ LEI*	*FC LEI*
Counterparty trading with a natural person not eligible for an LEI delegating to RSE	*Leg 1*	*RSE LEI*	*CP 1 LEI*	*CP 1 LEI*	*Client code as specified in ITS on reporting for field 1.9*
	No Leg 2 reporting required				
The contract is an ETD	*Leg 1*	*FC LEI*	*FC LEI*	*FC LEI*	*NFC- LEI*
	Leg 2	*NFC- LEI*	*NFC- LEI*	*NFC- LEI*	*FC LEI*

[34] If the the FC relies on another entity to submit the reports on its behalf, the field should be populated with the LEI of that RSE.
[35] If the the NFC+ relies on another entity to submit the reports on its behalf, the field should be populated with the LEI of that RSE.

Table 2 - Population of the fields pertaining to counterparties, report submitting entity and entity responsible for reporting					
Scenario		**Report submitting entity (field 1.2)**	**Entity responsible for reporting (field 1.3)**	**Counterparty 1 (field 1.4)**	**Counterparty 2 (field 1.9)**
(No other delegation in place[36])					
Complex scenario with various events: **NFC + delegating the reporting to RSE.** **NFC + becomes NFC- and decides to opt out from FC reporting on their behalf in accordance with Article 9(1 a) but relies on RSE.** **NFC – decides to opt-in i.e. to stop delegating to RSE and to start relying on FC in accordance with Article 9(1a).** **The FC uses another TR than RSE.** **NFC – is merged into another NFC (noted NFC*) that remains NFC-.** **NFC – becomes NFC+.** **In this scenario we focus only on the Leg reported on behalf of the NFC.**					
1. NFC+ delegating the reporting to an RSE		*RSE LEI*	*NFC LEI*	*NFC LEI*	*FC LEI*
2. NFC+ becomes NFC- but opts out from FC reporting on their behalf under Article 9(1a) and decides to continue the delegation to an RSE		*NFC notifies FC ahead of the change of status based on the annual calculation.* *NFC notifies FC as well that it decides not to apply the transfer of responsibility and legal liability in accordance with Article 9(1a). The NFC continues to rely on its current process and delegates voluntarily to its RSE.*			

[36] In case a delegation to another RSE is made, the logic is the same as when the delegation takes place in case ofan NFC- opting out from FC reporting in accordance with Article 9(1)(a).

Table 2 - Population of the fields pertaining to counterparties, report submitting entity and entity responsible for reporting				
Scenario	**Report submitting entity (field 1.2)**	**Entity responsible for reporting (field 1.3)**	**Counterparty 1 (field 1.4)**	**Counterparty 2 (field 1.9)**
	RSE LEI	*NFC LEI*	*NFC LEI*	*FC LEI*
3. NFC- opts in for reporting by FC on their behalf under Article 9(1a)	*Prior to the delegation, the NFC notifies the FC that it intends opt-in the regime foreseen under Article 9(1a) and to transfer the responsibility and legal liability for reporting to the FC in accordance with Article 9(1a) at least 10 days before the transfer of responsibility.* *The FC and the NFC put in place the arrangements required under Article 9(2) of the ITS on reporting.*			
	As a pre-condition to the actual transfer of responsibility, NFC initiates and performs the transfer of data from its RSE's TR to the TR of the FC in accordance with the Guidelines on data transfer between TRs and with these Guidelines.			
	FC LEI	*FC LEI*	*NFC LEI*	*FC LEI*
4. NFC- is merged into another NFC- (noted NFC*)	*FC or NFC- follow the process described in Article 8 of the ITS on reporting related to changes of LEI. Once the change is processed by the TR, the new LEI should be used.*			
	FC LEI	*FC LEI*	*NFC* LEI*	*FC LEI*
5. NFC- becomes NFC+	*NFC notifies FC ahead of the change of status based on the annual calculation.* *In accordance with the arrangements put in place between both counterparties and required under Article 9(2) of the ITS on reporting, the NFC notifies the FC of the change of status based on the annual calculation.* *If required under the arrangements, the FC or the NFC initiates and performs the transfer of data from its TR to the TR of the NFC in accordance with the Guidelines on data transfer between TRs and with these Guidelines.*			
	NFC LEI*	*NFC* LEI*	*NFC * LEI*	*FC LEI*

4.4.3 CCP

85. With regards to CCPs, in EMIR CCPs are not considered as Financial Counterparties under Article 2(8) of EMIR, therefore if an NFC- would enter directly

in a derivative contract with a CCP, the CCP would not become responsible and legally liable for the reporting of the details of the derivative on behalf of the NFC-. In such cases, the obligation to comply with the reporting obligation remains with the NFC-.

4.4.4 Funds (UCITS, AIF and IORP that, in accordance with national law, does not have legal personality)

86. Articles 9(1b), (1c) and (1d) introduce as well the allocation of responsibility for reporting for funds towards their respective fund manager in certain circumstances. In these cases, it is considered that the fund managers have all relevant details available in their respective roles and that the compliance with the provisions on allocation of responsibility for reporting can be ensured in accordance with the regulation.

87. As an illustration, please refer to the Table 3 below.

Table 3 – Population of the fields pertaining to counterparties, report submitting entity and entity responsible for reporting

Scenario		Report submitting entity (field 1.2)	Entity responsible for reporting (field 1.3)	Counterparty 1(field 1.4)	Counterparty 2 (field 1.9)
Management company / AIFM (IFM) reporting on behalf of the fund under Article 9(1c)	*Leg 1*	*LEI IFM*	*LEI IFM*	*LEI fund*	*LEI CPT*
	Leg 2	*LEI CPT*	*LEI CPT*	*LEI CPT*	*LEI fund*
Management Company / AIFM (IFM) reporting on behalf of the fund under Article 9(1c) and delegating to the CPT	*Leg 1*	*LEI CPT*	*LEI IFM*	*LEI fund*	*LEI CPT*
	Leg 2	*LEI CPT*	*LEI CPT*	*LEI CPT*	*LEI fund*
Management Company / AIFM (IFM) reporting on behalf of the fund under Article 9(1c) and	*Leg 1*	*LEI RSE*	*LEI IFM*	*LEI fund*	*LEI CPT*
	Leg 2	*LEI CPT*	*LEI CPT*	*LEI CPT*	*LEI fund*

Table 3 – Population of the fields pertaining to counterparties, report submitting entity and entity responsible for reporting					
Scenario		Report submitting entity (field 1.2)	Entity responsible for reporting (field 1.3)	Counterparty 1(field 1.4)	Counterparty 2 (field 1.9)
delegating to a RSE					

88. In the particular case where a fund that qualifies as an FC enters into an OTC derivative with an NFC-, the provision on allocation of responsibility for reporting in the Article 9(1) and the clarifications thereof in the related Guidelines under section 4.4.2 above apply for the OTC derivative from the side of the counterparty. Therefore, in such a situation:

    a. The fund manager is responsible and legally liable to report the OTC derivative on behalf of the fund;

    b. The fund is responsible and legally liable to report the OTC derivative on behalf of the NFC-.

89. As an illustration, if an AIF (LEI AAAAAAAAAA1111111111) with an AIFM (LEI AAAAAAAAAA2222222222) enters into an OTC derivative contract with an NFC- (LEI 123456789ABCDEFGHIJK), the counterparty related fields are to be populated as follows:

TABLE 4 – EXAMPLE OF FUND RESPONSIBLE TO REPORT THE DERIVATIVE ON BEHALF OF THE NFC-		
	Report 1 of the derivative	Report 2 of the derivative
1.3 Entity Responsible for Reporting	AIFM LEI: AAAAAAAAAA2222222222	AIF LEI: AAAAAAAAAA1111111111
1.4 Counterparty 1 (Reporting Counterparty)	AIF LEI: AAAAAAAAAA1111111111	NFC- LEI: 123456789ABCDEFGHIJK
1.9 Counterparty 2	NFC- LEI: 123456789ABCDEFGHIJK	AIF LEI: AAAAAAAAAA1111111111

90. For the avoidance of doubt, ESMA stresses again that all the aforementioned clarifications apply only to OTC derivatives. Thus, for ETDs, i.e. any derivative contracts that do not qualify as OTC based on the definition of Article 2(7) of EMIR as amended by Article 32 of SFTR, the counterparty remains responsible and legally liable for reporting the details to a TR and the provisions related to the transfer of responsibility and legal liability do not apply. Counterparties cannot assume that all options and futures traded on venue are ETDs.

4.5 Delegation of reporting

91. Besides the allocation of responsibility stemming from EMIR Article 9(1a)-(1d) and covered by section 4.4, EMIR stipulates in Article 9(1f) that the counterparties and CCPs that are subject to the reporting obligation may delegate that reporting obligation, this includes any task (individually and separately) related to the reporting of data. In case of delegation of reporting, the delegating counterparty should provide the report submitting entity with all the details of the derivative contracts and it is responsible for ensuring that those details are correct. The processes and timelines should in case of delegation be the same as in the case of allocation of responsibility for reporting described in the section 4.4. Although at the technical level there are many similarities and common processing aspects between the allocation of responsibility and delegation of reporting, legally they are different and independent reporting scenarios. It should also be mentioned that EU counterparties should carefully assess any risks that might be posed to their compliance with the reporting obligations in case of delegation of reporting to a non-EU report submitting entity.

92. RTS on reporting provides a specific data element, field 1.2 ‘Report submitting entity ID’, which should be mandatorily populated and in case where the reporting counterparty or entity responsible for reporting has not delegated the submission of the report to a third party or to the other counterparty, the reporting counterparty or entity responsible for reporting will populate its own LEI. In the case when in the reporting of a derivative multiple entities are involved, i.e. the reporting is carried out by a chain of entities, field 1.2 should be populated with the LEI of the entity ultimately submitting the report to the TR. FR on RTS/ITS (in section 4.1.3) also clarifies that the RSEs should inform the reporting counterparties and ERRs about relevant reporting and data quality issues (including data submitted on its behalf, all the rejections, reconciliation breaks as well as other data quality issues pertaining to the relevant data) for which the information will not be provided by the TRs, especially if these reporting counterparties and ERRs are not participants or users of the TR. ESMA also clarified in the FR on RTS/ITS that responsibilities regarding the outstanding derivatives should be agreed by the parties and covered by the delegation agreement. Naturally the delegation agreement needs to cater for the point in time when it comes into effect and also for the point in time when it ceases to be effective. Responsibilities of the counterparties and RSEs with regards to data completeness and accuracy, e.g. update of LEI, and generally the responsibility for the content of reports remains in case of delegation always with the entity responsible for reporting. The delegating counterparty (subject to the

reporting obligation) should provide the RSE with all the details of the derivative in a timely manner, and it is responsible for ensuring that those details are correct.

93. Delegation of reporting includes the following scenarios:
    a. one counterparty delegates to the other counterparty;
    b. one counterparty delegates to a third party;
    c. both counterparties delegate to a single third party;
    d. both counterparties delegate to two different third parties.
94. In any of the scenarios above the principle of avoiding duplication and ensuring the continuity of reporting should be followed.
95. ESMA encourages centralised reporting (i.e. by the venue on which a non-OTC derivative has been concluded or by the CCP in which it is being cleared); however, this should be always a matter of agreement by the counterparties, based on delegation agreement. Whenever a third party is performing that function based on a delegation agreement (on behalf of one or both counterparties), it should ensure that all relevant data are duly and timely provided by the counterparties to fulfil the reporting obligation.
96. Further clarifications should be noted with regards to the delegation of tasks in case a third party is used for reporting and any possible differences in criteria for delegation depending on the home member state of the delegating entity. Firstly, the reporting counterparty, ERR or RSE can decide to delegate any task related to the reporting of data, including the generation of the UTI. Secondly, currently no specific rules on how the delegation should be performed are determined, however all EMIR provisions should be respected (timely and accurate reporting, etc.) and the counterparties should remain liable for the content of the reports and any misreporting by the third entities they rely upon. Legal documentation covering the delegation arrangement is recommended (e.g. written agreement between entity responsible for reporting and the report submitting entity, even if also subject to the requirement to report, such as the other counterparty or the CCP).
97. For example investment firms that provide only investment services (such as execution of orders or receipt and transmission of orders) do not have any obligation to report under EMIR unless they become a counterparty to a derivative by acting as principal. However, nothing prevents counterparties to a derivative to use an investment firm (acting as a broker) as a third party for TR reporting.
98. In the case when a portfolio manager is involved, i.e. an entity to which the execution of (a part of) the investment strategy of a counterparty is delegated, this portfolio manager should be identified (in the relevant field) only when that entity performs, de jure or de facto, one of the roles identified in the counterparty data of a derivative report, e.g. broker. Otherwise that entity should not be identified.

4.6 Reporting of lifecycle events

4.6.1 Action types

99. Counterparties should report the conclusion, modification and termination of a derivative.

100. In case none of the details of the derivative, as expressed in the data fields, have changed, the counterparties should not report again details of the derivative. The only exception is the update of the outstanding derivatives in the transition period as described in the section 4.1.

101. Furthermore, the counterparties that are required to report valuation and collateral, i.e. FCs, NFC+ and CCPs, should report on a daily basis the details of valuation and collateral as they stand at the end of the day, for all their outstanding derivatives.

102. Counterparties should use action type 'Modify' to report modifications of the details of a derivative, 'Valuation' to report changes in the value of a derivative and 'Margin update' to report modifications of the corresponding collateral.

103. Counterparties should ensure that action types 'Modify' and 'Correct' are used correctly. In particular, 'Modify' should be used to report modifications to the terms or details of a previously reported derivative, including when counterparty provides additional information that previously was not available at the time of reporting. 'Modify' should not be used to report corrections of details of derivatives – only 'Correct' should be used for that purpose.

104. Similarly, in the case of collateral data, action type 'Margin update' should be used to report the collateral for the first time as well as to report modifications of the collateral data, but not the corrections of the previously reported collateral details which should be made with action type 'Correct'. A change in the collateral portfolio code should be reported with 'Modify' (to update the code for a given derivative in the portfolio) and 'Margin update' (when submitting the details of the collateral at portfolio level). However, if the change in the portfolio code information is made due to an initial error in reporting, such change should be reported with action type 'Correct'.

105. In principle only one report per day, with action type 'Margin update' is expected. However, if a counterparty identifies that it had submitted incorrect collateral data for a given day, it should submit a collateral report with action type 'Correct' for that day (specifying in the field 'Event date' and in the 'Collateral timestamp' the day for which the data are corrected).

106. Collateral at a single derivative level can be reported for the first time either as part of the derivative report with action type 'New' or separately with action type 'Margin update'. Collateral at portfolio level should be reported for the first time with action type 'Margin update'. The new collateral is expected to be reported only when at least one derivative covered by that collateral was reported and not errored. Verification that collateral is not reported when no corresponding derivative was reported should be performed as part of the TRs' validations. If a counterparty

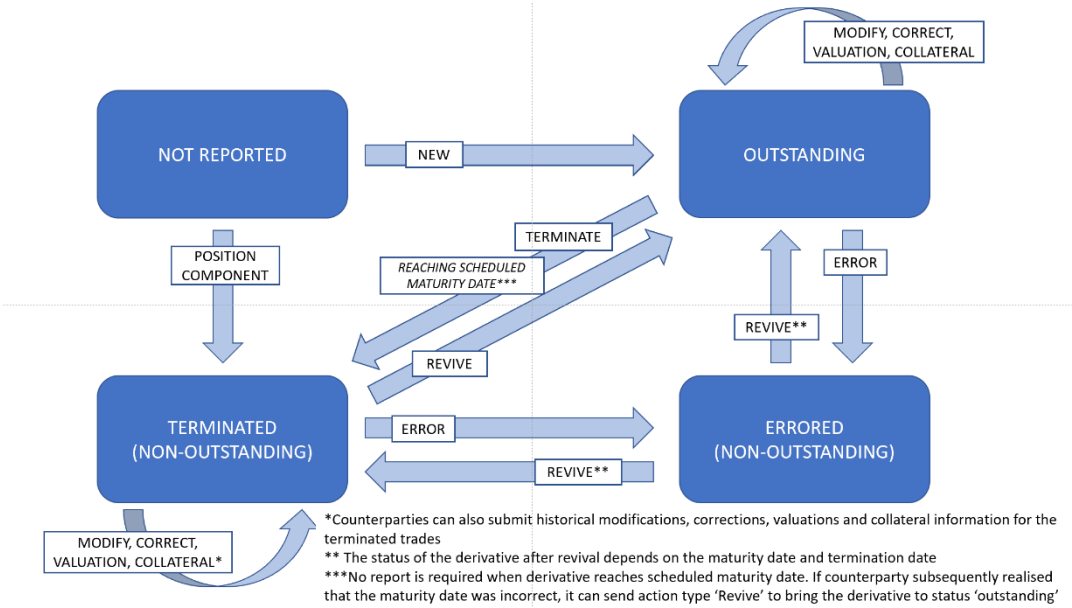
submits wrongly both derivatives and corresponding collateral, erroring the derivatives would result automatically in erroring the collateral as there would no longer be any corresponding derivatives.

107. In case a margin update report is submitted to a TR by a counterparty without obligation to report collateral on a daily basis (but the corresponding derivatives are valid and should not be errored), that counterparty should not submit any further margin updates.

Sequences of action types

108. In order to ensure logical coherence between different reports pertaining to the same derivative, TRs' validation rules cover i.a. the correct sequences of action types.

FIGURE 6: ALLOWABLE SEQUENCES OF ACTION TYPES



109. The blue boxes in the Figure 6 chart specify the status of a derivative, while the allowable action types are indicated on the arrows. For example, when a derivative is reported for a first time with the action type 'New', the status changes from 'Not reported' to 'Outstanding'. If a counterparty reports subsequently 'Error' for that derivative, the status changes from 'Outstanding' to 'Errored (non-outstanding)'. For a derivative that has such status, the only allowable action type is 'Revive' (the

only action type on the arrows starting in the blue box with status ‘Errored (non-outstanding)’. If submitted - it would change the status of the derivative either back to ‘Outstanding’ or to ‘Terminated (non-outstanding)’, depending on the maturity/termination date of that derivative. All dependencies between action types and statuses of derivatives indicated in the chart should be read in this way.

110. All dependencies described in the chart apply to the reports of a given counterparty. I.e. the reports sent by the other party to the trade do not impact allowable action types reported by the first counterparty. It applies in particular to action type ‘Error’, meaning that if one counterparty submitted ‘Error’ for a given UTI (and has not reported ‘Revive’ afterwards), only that counterparty will not be able to send further reports (other than ‘Revive’) for this UTI. In this way, if one counterparty reports ‘Error’ by mistake, it will not prevent the other counterparty from timely reporting relevant lifecycle events.

111. Action types ‘Modify’, ‘Correct’, ‘Margin update’ and ‘Valuation’ do not impact the status of the derivative. They are allowed to be reported for terminated trades only in the case of late reporting but they cannot be used to change the status of the derivative to outstanding (e.g. by modifying the maturity date). Only the action type ‘Revive’ can be used to change the status of the derivative to outstanding.

112. Action type 'Revive' can be used to re-open derivatives cancelled (with action type 'Error'), terminated by mistake (with action type 'Terminate') and to re-open derivatives that reached (incorrectly reported) maturity date. Furthermore, ‘Revive’ can be used after the action type ‘Position component’, if the latter was reported by mistake. In such case the revived derivative at the trade level will be perceived as outstanding, subject to the expiration date. If the counterparty reported new position or a modification of a position, it would need to be reverted separately (by erroring or modifying such position, respectively).

113. Counterparties, when reporting ‘Revive’ should provide all applicable details of the contract as of the time of revival. However, counterparties should also submit any missing reports that should have been made while the derivative was temporarily non-outstanding. This includes reports with action type ‘Correct’ to correct any specific values in the report, except for when the only correction was to update the derivative to outstanding status (where such status can be inferred from the ‘Revive’ report itself).

114. Reaching the scheduled maturity date is not an EMIR reportable event by the counterparties. No action type applies in this case, including but not limited to ‘Error’ and ‘Terminate’. Once a derivative reaches it maturity date, it is considered no longer outstanding. A derivative that is no longer outstanding and is reported late with action type ‘New’ after reaching its maturity date, will be considered non-outstanding.

115. When a derivative is included in the position, the status of that derivative changes to ‘Terminated (non-outstanding)’. Any subsequent lifecycle events must be reported at position level with a different UTI (the one of the position), and the correct sequencing of these reports for that position should also be validated. It is possible however to send a correction at trade level for a derivative that was

reported with action type 'Position component', if some details of that derivative were incorrect.

116. The reports should be sent in a chronological sequence in which the events occurred, in line with the requirements set out in the ITS on reporting. However, it is recognised that in the cases where an entity fails to report on time or becomes aware of the past submission of incorrect information, the entity should send the reports with past event dates thus breaking the chronological order.

117. If there is an error in a historic valuation submission, only the valuation for that past date needs to be corrected and there is no need to rereport the correct valuations submitted after the incorrect valuation message. However, in the case where multiple 'Valuation' messages had been incorrectly reported and corrections were required - the counterparty should submit a correction report for each day when incorrect valuation was submitted.

118. TRs should validate the correct sequences of action types taking into the consideration the content of the field 'Event date'. With regard to how the TRs should treat the reports with past event dates for the purpose of construction of the Trade State Report, more details are included in the section 7.1.

4.6.2 Action types and event types combinations

119. Counterparties should report, where applicable, the relevant event type, as specified in the field 2.152 in the RTS on reporting.

120. The below table specifies the allowable combinations of action types and event types, as well as sets out whether they apply at trade level, position level or both. The last column of the table indicates when a given action type can be reported without an event type.

Table 5 - Allowable action type-event type combinations

		Event type											
		TRADE	STEP-IN	PTRR	EARLY TERMINATION	CLEARING	EXERCISE	ALLOCATION	CREDIT EVENT	INCLUSION IN POSITION	CORPORATE EVENT	UPDATE	No Event Type required
Action type	NEW	T	T,P	T		T	T	T		P	T,P		
	MODIFY	T,P	T,P	T,P	T,P		T,P	T	T,P	P	T,P	T,P	P
	CORRECT												T,P
	TERMINATE		T,P	T,P	T,P	T	T,P	T	T,P	T,P	T,P		
	ERROR												T,P
	REVIVE												T,P

Table 5 - Allowable action type-event type combinations												
		Event type										
		TRADE	STEP-IN	PTRR	EARLY TERMINATION	CLEARING	EXERCISE	ALLOCATION	CREDIT EVENT	INCLUSION IN POSITION	CORPORATE EVENT	UPDATE	No Event Type required
	VALUATION												T,P
	MARGIN UPDATE												T,P
	POSITION COMPONENT												T

121. Table 6 clarifies the applicability of all allowed action type-event type combinations as well as provides additional comments on the actual use cases where such combinations would be reported or, on the contrary, where they should not be used.

122. The comprehensive mapping between business events and action type-event type combinations is provided in the section 4.10.

123. It should be noted that no event type is envisaged for porting. ESMA reiterates that porting should be performed in line with the Guidelines on transfer of data between TRs[37]. Action types 'New' and 'Terminate' should not be used for that purpose.

Table 6 - Applicability of action type – event type combinations			
Action type	Event type	Applicability	Comments
New	Trade	When a derivative with a new UTI is created for the first time through trade and not because of another prior event.	Combination 'New'-'Clearing' should be used for the new derivatives resulting from clearing, in particular for derivatives traded on trading venues and cleared on the same day by a CCP.
New	Step-in	When a derivative or position with a new UTI is created for the first time due to a step-in event.	
New	PTRR	When a derivative with a new UTI is created for the first time due to a PTRR event.	Combination 'New'-'PTRR' at position level is not applicable, as any derivative newly created due to a PTRR event is expected

[37] https://www.esma.europa.eu/sites/default/files/library/esma74-362-2351_final_report_-_guidelines_on_data_transfer_between_trade_repositories_emir_sftr.pdf

Table 6 - Applicability of action type – event type combinations			
Action type	**Event type**	**Applicability**	**Comments**
			to be reported at trade level (without prejudice to the possibility of including such derivative subsequently in a position). Combination 'New'-'PTRR' can be used in case of rebalancing.
New	Clearing	When a derivative with a new UTI is created for the first time due to a clearing event.	This combination includes also a clearing of OTC derivatives which were previously bilaterally agreed among counterparties and subsequently cleared.
New	Exercise	When a derivative with a new UTI is created for the first time due to an exercise event.	This combination should be used when reporting the underlying swap following the execution of a swaption
New	Allocation	When a derivative with a new UTI is created for the first time due to an allocation event.	
New	Inclusion in position	When a new position is created by inclusion of trades in that position for the first time.	
New	Corporate Event	When a derivative or position with a new UTI is created for the first time due to a corporate action on the underlying equity.	
Modify	Trade	When a derivative or position with an existing UTI is modified due to renegotiation of the terms of the trade, because of the changes to the terms of the trade agreed upfront in the contract (except for when such changes are already reported e.g. notional schedule) or because previously not available data elements become available.	
Modify	Step-in	When a derivative or position with an existing UTI is modified due to a step-in event.	This combination includes also a transfer of a derivative at trade or position level from one CCP to another.
Modify	PTRR	When a derivative or position with an existing UTI is modified due to a PTRR event.	Combination 'Modify'-'PTRR' at position level should only be used in the case where CCP positions are subject to PTRR (rather than bilateral netting and subsequent reporting at position level). Combination 'Modify'-'PTRR' can be used in the case of compression.

Table 6 - Applicability of action type – event type combinations			
Action type	**Event type**	**Applicability**	**Comments**
Modify	Early termination	When a derivative or position with an existing UTI is modified due to an early termination agreed in advance or due to a partial termination.	In the case of an early termination agreed in advance, the counterparties should update the maturity date. In the case of partial early termination, the counterparties should update the notional.
Modify	Exercise	When a derivative or position, is amended due to the exercise of an option or swaption.	
Modify	Allocation	When a derivative with an existing UTI is partially allocated. This is used to report the amended notional of the existing derivative.	
Modify	Credit event	When a derivative or position with an existing UTI is modified due to a Credit event.	
Modify	Inclusion in position	When a position with an existing UTI is modified because of inclusion of a new trade.	
Modify	Corporate Event	When a derivative or position with an existing UTI is modified due to a corporate action on the underlying equity.	
Modify	Update	When a derivative or position that is outstanding on the reporting start date is updated in order to conform with the amended reporting requirements.	
Modify	No event type required	When a position with an existing UTI is modified due to more than one type of business events that occurred intraday.	Intraday reporting is not mandatory for ETDs, consequently counterparties are allowed to report 'Modify' at position level without indicating the event type, where such modification is a result of more than one type of business events that occurred intraday.
Correct	No event type required	When a derivative or position with an existing UTI or the data related to the collateral is corrected because of an earlier submission of incorrect information.	
Terminate	Step-in	When a derivative or position with an existing UTI is terminated due to a step-in event. This is used for terminating the old UTI post step-in.	
Terminate	PTRR	When a derivative or position with an existing UTI is terminated due to a PTRR event. This is used for	Combination 'Modify'-'PTRR' can be used in the case of compression.

Table 6 - Applicability of action type – event type combinations			
Action type	**Event type**	**Applicability**	**Comments**
		terminating the old UTI(s) after PTRR operation.	
Terminate	Early termination	When a derivative or position with an existing UTI is terminated due to an early termination (and when no other cause/event is known as the reason for that termination).	
Terminate	Clearing	When a derivative with an existing UTI is terminated due to a Clearing event. This is used for terminating alpha trades.	In the case of OTC derivatives concluded bilaterally, counterparties need to terminate the previously reported bilateral trades (with combination 'Terminate'-'Clearing') and report the new cleared trades (with combination 'New'-'Clearing'). This also includes a scenario where existing derivatives become eligible for clearing at a later stage.
Terminate	Exercise	When a derivative with an existing UTI is terminated due to an exercise event. E.g. this is used for terminating options/swaptions when these are being exercised.	'Terminate' - 'Exercise' should not be reported when the option is exercised on the maturity date. More generally, only terminations that take place at a date prior to the maturity date should be reported.
Terminate	Allocation	When a derivative with an existing UTI is terminated due to an allocation event. This is used for terminating the old UTI post allocation.	
Terminate	Credit event	When a derivative or position with an existing UTI is terminated due to credit event.	This combination should be reported when a credit event leads to termination and settlement of the derivatives, e.g. single name CDS.
Terminate	Inclusion in position	When a derivative or position with an existing UTI is terminated due to inclusion in a position.	A derivative at trade level that is immediately included into a position, should be reported with action type 'Position component'. Only when a derivative is included in the position after being reported with action type 'New', it should be reported with action type 'Terminate' and event type 'Inclusion in position'.
Terminate	Corporate Event	When a derivative or position with an existing UTI is terminated due to a corporate action on the underlying equity.	

Table 6 - Applicability of action type – event type combinations			
Action type	**Event type**	**Applicability**	**Comments**
Error	No event type required	When a derivative or position with an existing UTI is cancelled due to an earlier submission of incorrect information. E.g. this is used to cancel the UTI of a derivative or position that should not have been reported (e.g. it is not a derivative transaction) or to cancel outstanding derivatives when the counterparty starts to benefit from an intragroup exemption.	
Revive	No event type required	When a derivatives or position that has been cancelled is reinstated due to an earlier submission of incorrect information. E.g. this is used to reinstate the UTI of a derivative or position that has been erroneously terminated.	This action type should not be used to reopen a position that was previously netted and terminated. 'Revive' should only be used to reopen the trades that were terminated or cancelled by mistake or which were cancelled due to IGT exemption, so that the counterparties do not need to regenerate a new UTI. It should not be used for other reporting scenarios. In particular in the case of netted position, the counterparties need to decide if they maintain the position open (and report the valuation accordingly) or they close the position. If the counterparties close the position and then they enter into another derivative contract of the same type and want to report at position level, they need to report a new position with a new UTI.
Valuation	No event type required	When data related to the valuation are submitted for a derivative or position with an existing UTI.	
Margin update	No event type required	When data related to the collateral are submitted for a derivative or position with an existing UTI.	
Position component	No event type required	When a new derivative is concluded and included in a position on the same day.	

124. Where a counterparty submits by mistake an incorrect event type, there is no possibility to correct such information, as 'Event type' is not applicable for action type 'Correct'. The counterparty should ensure to submit an appropriate 'Event type' in the subsequent report.

4.6.3 Lifecycle events and use of linking IDs (Prior UTI, PTRR ID, Subsequent position UTI)

125. Counterparties should report, where relevant, linking IDs to allow for identification of reports pertaining to the same lifecycle events. The linking IDs envisaged for that purpose are following:

a. 'Prior UTI' (field 2.3)

b. 'Subsequent position UTI' (field 2.4)

c. 'PTRR ID' (field 2.5)

126. Prior UTI should be used in the case of those life cycle events where a single derivative is terminated and one or more new derivatives are created. In such cases the prior UTI, i.e. the UTI of the derivative that was terminated, should be populated in field 2.3 in the reports pertaining to all the derivatives created due to the lifecycle event. In particular, the prior UTI will be applicable in the following events:

a. Step-in;

b. Clearing (unless the derivative was concluded on a trading venue or a third-country organised trading platform and cleared by a CCP on the same day);

c. Exercise (in the case of swaptions),

d. Allocation,

e. Corporate event (in the case of a split).

127. Subsequent position UTI should be reported when a derivative is included into position (and reported either with action type 'Position component' or action type 'Terminate' and event type 'Inclusion in position'). It should contain the UTI of the position in which this derivative is included.

128. PTRR ID should be reported when the event type is 'PTRR' and the type of PTRR technique is either compression with a third-party service provider or rebalancing. The same PTRR ID, as provided by the PTRR service provider, should be reported in all reports that are created, modified or terminated due to the same PTRR event. Each PTRR event should be assigned a different PTRR ID.

129. It is possible to report more than one linking ID for a given derivative (e.g. a derivative may be reported first with a prior UTI when it is cleared, then it may be reported with a PTRR ID if it is modified due to a PTRR event and finally it may be reported with a subsequent position UTI if in the end it is included in a position). However, only the relevant linking ID should be reported in the report pertaining to a given lifecycle event (in the above example, the counterparty reporting inclusion in the position would populate in that report only the field 'Subsequent position UTI').

4.7 Reporting at position level

130. In general terms, 'position' should be understood as the exposure between a pair of counterparties, consisting of a set of fungible derivatives (trades) with

economic and legal relations among them which allows for a common risk management that results in a net or reduced volume of the joint exposure. Trade and transaction are used interchangeably in this section.

131. Following Article 3 of the RTS on reporting, it is possible to report post-trade events at position level following the initial reporting of the details of a derivative concluded at transaction level and the termination of that derivative due to its inclusion in a position, provided that the following conditions are met: the legal arrangement is such that the risk is at position level, all trade reports made to the TR relate to products that are fungible with each other and the individual trades previously reported to the TR have been subsequently replaced by the position report (e.g. as in the case of trades between a clearing member and a CCP).

132. The categories of derivatives eligible for reporting at position level are: ETDs, centrally cleared OTC derivatives netted by CCPs and Contracts For Difference (CFDs). Although in the case of such derivatives the information concerning positions is most relevant for the assessment of systemic risk, reporting only at position level is not in line with EMIR requirements under Article 9 of EMIR, which requires all counterparties to report e.g. conclusion of a derivative at transaction level.

133. Contracts with no maturity date, such as CFDs, are strongly recommended to be reported at position level in order to avoid that each individual outstanding derivative for a financial counterparty needs to receive daily valuation updates until either 1) the derivative is cancelled or 2) infinity, because these derivatives generally have no maturity. The valuation can be provided at position level once the corresponding derivative transactions are included in a position.

134. ESMA acknowledges the potential difficulties in agreeing bilaterally the level of reporting between counterparties and the impact of such problems on the reconciliation. Nevertheless, ESMA reiterates that the reporting at position level should be agreed between the two counterparties as this obligation stems from the requirement of Article 9(1e) of EMIR to ensure that the details of the derivative contracts are reported correctly and without duplication. This is also stated in the Article 3 of the RTS on reporting. The two counterparties to a derivative should either both include the derivative in a position or both continue to report the relevant lifecycle events at trade level. Reporting at position level is generally an option, rather than a requirement and is feasible only when all the relevant conditions are met, including when the two counterparties agree on reporting at position level. In the absence of agreement between the counterparties, reporting at trade level is a default way forward. However, in certain circumstances, the only possible option to comply with EMIR reporting obligations is reporting at position level (e.g. when the counterparties are not able to value the individual position components). Even in these circumstances, agreement between the counterparties involved is a necessary condition.

135. Intraday reporting at position level is not required for any type of derivatives, neither for ETD nor for OTC, i.e. there is no need to report lifecycle events (e.g.: modifications) of a position intraday. But, in order to report correctly a position and to reflect all the modifications which affect it (also when a trade is included in a

position level report on the same day), the updated details and valuation of the position should be reported by the counterparties at position level at the end of the day. This is in line with the clarifications developed in the sections 4.6 and 4.9, such as the one on the possibility of reporting the event type as “blank” when there are multiple events impacting the same position on a given day in order to simplify the reporting. At trade level, intraday reporting of lifecycle events for ETD trades is not mandatory. For OTC trades the reporting of intraday lifecycle events should be as comprehensive as feasible as of the end of the day.

136. When a position is created, a report with action type ‘New’ and the proper event type should be reported. Modifications of a position because of inclusion or termination of trades, etc. should be reported with action type ‘Modify’ and, to the extent feasible, the adequate event type. A position ends when its maturity date is reached. If the termination of a position is due to other reasons, an action type ’Terminate’ and the event type which describes the reason for that termination should be reported by the counterparties. Further details are provided in the section 4.6.

137. Taking into account that it is not allowed to report only positions without previously reporting the original derivatives at trade level, such derivatives at trade level should be updated to have an appropriate status so that it is clear that they are no longer open and to avoid double-counting of the trades that were included into positions. Consequently, the counterparties should report the terminations of all the derivatives at trade level that enter into the position. It should be done using the action type ‘Terminate’ and the event type ’Inclusion in position’ or the action type ‘Position component’ with no event type required, this latter when reporting a new trade that is included in the position on the same day. In addition, the field ‘Level’ should be reported as ‘T’ (trade). In this manner, all the trades which have been included in a position are no longer considered to be outstanding. Then, the position should be reported using the action type ‘New’ if the position is created for the first time or action type ‘Modify’ in the case of an update to an existing position. The field ‘Level’ should be reported as ’P’ (position) for any reporting of the position.

138. When counterparty reports at position level, any subsequent updates, modifications and life cycle events (including revaluations) should be applied by the TRs to the report of the derivative position and not to the reports of the original trades.

139. All the data elements that are required in trade reports are mandatory as well in position reporting, with the exception of those that are relevant only at trade level.

140. The field ’Notional‘ should be always populated in reports made at position level. Furthermore, the value of Notional at position level reports should be calculated as follows:

    a. For options: Notional = Total notional quantity x Strike price;

    b. For futures: Notional = Total notional quantity x settlement price[38].

[38] Settlement price is not a reportable field

141. Reporting of modifications in the field ‘Notional’ at position level should take place only if an event relevant for the position has taken place (e.g. a new relevant trade has been included in the position, this new notional value should be taken into account in the notional of the position). Further details are provided in section 4.17 of these Guidelines.

142. In the case where a position valuation becomes zero, there are only two possible ways to proceed:

a. Termination of the position and reporting of a new one using a different UTI at a later stage. No valuations are reported between the termination of the first position and the creation of the latter.

b. Maintaining the position open and reporting a zero contract value on a daily basis.

143. The ‘effective date’ is the date as of which the obligations under the derivative come into effect, as included in the confirmation of the derivative or otherwise agreed between the counterparties. Where the counterparties did not specify the effective date as part of the terms of the contract, field ‘Effective date’ should be populated with the date of execution of the derivative. At position level, the Effective date should be represented by the effective date of the trade which has the earliest effective date. If the counterparties did not specify the effective date of the position as part of the terms of the contract, field ‘Effective date’ at position level should be populated with the effective date of the derivative trade which has the earliest effective date or the date part of the execution timestamp (this execution date would be the earliest execution date of the position) in the case that counterparties did not specify the effective date of the contract.

144. The ‘expiration date’ is the date as of which obligations under the derivative stop being effective, as included in the confirmation of the derivative or otherwise agreed between the counterparties. Early termination does not affect this data element. Expiration date, at position level, should be the furthest expiration date in the future among the trades that are included in the position. If there is a subsequent modification of this expiration date, because this possibility was originally contained in the contract of this trade, a modification report should be sent, modifying the ‘Expiration date’ field accordingly to reflect the updated expiration date at position level.

145. The ’early termination date’ is the date on which there is a termination of the derivative that occurs prior to its maturity due to e.g. a decision of a counterparty or counterparties. Regarding position level reporting, an action type ‘Terminate’ and event type ”Early Termination” should be populated when the entire position is terminated.

146. The ’reporting timestamp’ is the date and time of the submission of a given derivative report to the trade repository. It applies in the same way to the reports at position level.

147. The ’execution timestamp’ is the date and time when a derivative (at trade or position level) was opened for the first time and its UTI was created. In the case of

position-level reporting, that field should be populated in a similar manner as the field 'Effective date', i.e. with the date of the trade that has the earliest execution timestamp.

148. The 'event date' is defined as the date when a given event took place or when a modification became 'effective' (rather than the date of agreement to modify the derivative). At position level, this field should be populated when relevant events or modifications relating to the position took place. Further details are provided in the section 4.9.

149. The 'clearing timestamp' is the date and time when a trade or position is cleared. At position level, this field should be reported using the execution timestamp of the position as the two timestamps are expected to be equal for positions.

150. At position level, the 'Venue of execution' field, should be populated with the MIC code (defined by ISO 10383) of the venue where the highest number of derivatives that are included in the reported position were executed.

151. A derivative that is a result of PTRR exercise, should be reported at trade level.

152. ESMA reiterates that reporting at position level is a different business case than reporting of PTRR events, both with different reporting rules. The below table highlights the key differences between the two instances:

TABLE 7

#	Compression (or other PTRR techniques)	Reporting at position level
Applicability	Risk-reduction services (both cleared and uncleared derivatives)	CCP netting (both ETD and OTC) + reporting of CFDs
2.154 Level	Derivatives entering the compression - trade or position, as applicable; derivatives resulting from a PTRR event are reported at trade level	Initial reports (action type NEWT or POSC) at trade level, resulting position and subsequnet lifecycle events - at position level
Linking of reports	2.5 PTRR ID	2.4 Subsequent position UTI

4.8 Reporting of on-venue derivatives

153. The ETD contracts are derivative contracts that are subject to the rules of a trading venue (as defined in Article 4(1)(24) of the Directive 2014/65/EU) and are executed in compliance with those rules. For the purpose of reporting of 'on-venue derivatives', account is also taken of similar trading platforms outside the EU. The trading venue´s rules provide the execution and processing of the contract on the trading venue and the subsequent clearing on a central counterparty clearing house (CCP) within one business day after the execution.

154. In order to allow authorities to identify and analyse risk positions, the counterparties that assume the risk once the contract has been concluded should be clearly identifiable. Under the principal clearing model, upon clearing, the risk lies on the clearing member (CM) vis-à-vis the CCP and on the client of the CM vis-à-vis the CM. For this reason the following parties have EMIR reporting obligations:

a. The CCP clearing the derivative contract.

b. The clearing members of the CCP that are clearing the derivative contract.

c. The MiFID investment firms involved in the trade chain anytime they bear the risk arising from the derivative by virtue of its contractual relationship with their counterparties (in particular, with the clearing member).

d. Other parties that do not fall into any of the categories above and that take the risk arising from the derivative, except when they are exempt because of their status.

155. If one of these parties assumes more than one role (e.g. an investment firm is also the clearing member), it should submit one report identifying all the applicable roles in the relevant fields, it does not have to report separately for each role.

Examples:

Scenario 1: The investment firm bears the risk vis-à-vis the CM and, thus, is itself a counterparty. In this case the following reports should be submitted:

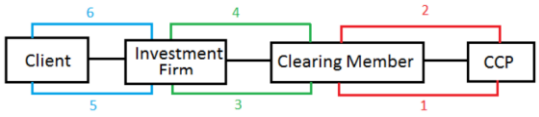


TABLE 8

Report	Entity responsible for reporting	UTI	Report tracking number	Counterparty 1 (Reporting counterparty)	Counterparty 2	Broker ID	Clearing member	Direction	Venue of execution	Cleared	Central counterparty
1	Clearing member	A0001	102030	Clearing member	CCP		Clearing member	BYER	MIC	Y	CCP
2	CCP	A0001	102030	CCP	Clearing member		Clearing member	SLLR	MIC	Y	CCP
3	Investment firm	B0002	102030	Investment firm	Clearing member	Investment firm	Clearing member	BYER	MIC	Y	CCP
4	Clearing member	B0002	102030	Clearing member	Investment firm	Investment firm	Clearing member	SLLR	MIC	Y	CCP
5	Client	C0003	102030	Client	Investment firm	Investment firm	Clearing member	BYER	MIC	Y	CCP
6	Investment firm	C0003	102030	Investment firm	Client	Investment firm	Clearing member	SLLR	MIC	Y	CCP

Scenario 2: The investment firm does not bear any risk vis-à-vis the clearing member as, according to the legal arrangements, the client directly bears the risk vis-à-vis the clearing member, once the latter accepts the contract for clearing.

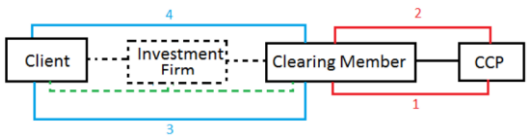


TABLE 9

Report	Entity responsible for reporting	UTI	Report tracking number	Counterparty 1 (Reporting counterparty)	Counterparty 2	Broker ID	Clearing member	Direction	Venue of execution	Cleared	Central counterparty
1	Clearing member	A0001	102030	Clearing member	CCP		Clearing member	BYER	MIC	Y	CCP
2	CCP	A0001	102030	CCP	Clearing member		Clearing member	SLLR	MIC	Y	CCP
3	Client	B0002	102030	Client	Clearing member	Investment firm	Clearing member	BYER	MIC	Y	CCP
4	Clearing member	B0002	102030	Clearing member	Client	Investment firm	Clearing member	SLLR	MIC	Y	CCP

156. Where a give-up occurs from the investment firm to the clearing member within the T+1 reporting deadline without any change in the economic terms of the original derivative, the derivative should be reported in its post give-up state. It means that the investment firm does not bear any risk vis-à-vis the clearing member, thus the client bears directly the risk vis-à-vis the clearing member with whom it entered into clearing arrangement. ESMA also reiterates that relevant events impacting derivatives reported at trade level must be reported accordingly (e.g. allocation of trades).

157. Partial executions should be reported separately, because parameters and counterparties will be different.

158. The Report Tracking Number (RTN) is a unique code assigned to the execution and common for a group of reports related to the same execution. It is a conditionally mandatory field for action type 'POSC' at the trade level (required when trade is executed on a trading venue). RTN should not be populated at position level.

159. There is no one-to-one link between the Trading Venue Transaction Identification Code (TVTIC) required under MiFIR and the Report Tracking number (RTN). TVTIC is an individual transaction identification code for each transaction resulting from the full or partial execution of an order disseminated to both the buying and the selling parties. The RTN is a unique number assigned to the execution and common among a group of reports related to the same execution, in order to allow for identification of reports relating to the same execution. Due to the fact that a systemic internaliser is not considered as a trading venue under the Directive 2014/65/EU (MIFID II) and a RTN is generated by a trading venue, the population of the field RTN when trades are concluded on a SI is not required.

160. The investment firms, the clearing members or the CCPs should provide to the reporting counterparties the respective RTNs. Likewise, the reporting counterparties should transmit the RTNs to their counterparties to allow them to fulfil their reporting obligations.

161. The reporting of the RTN for CFD (in case they are executed on a venue and where a group of CFDs are related to the same execution) follows the same rules described above.

162. The Unique Trade Identifier (UTI) is a unique code of a derivative between two counterparties. A pair of counterparties should use a specific UTI for one single

derivative, and not reuse that same UTI to report any other derivative under EMIR. The same principle applies to the UTIs generated for the derivatives reported at position level. The UTI must be identical in the reports of both counterparties entering into a derivative. Further details about Unique Trade ID (UTI) are provided in the section 4.11.

163. The timestamps fields should be populated as follows:

a. The execution timestamp should correspond to the time of execution on the trading venue.

b. The clearing timestamp should be reported as the time at which the CCP has legally taken on the clearing of the trade. When clearing takes place using the open offer model, the clearing timestamp and the execution timestamp used are expected to be the same. However, if clearing takes place using novation, the two timestamps may be different.

164. Unless otherwise agreed between the parties, an investment firm is not expected to submit any report on the value of the collateral as well as any subsequent modification or termination of the concluded derivative contract when the process of collateralisation takes place through direct arrangements between the client (counterparty 1) and the clearing member.

165. At trade level and at position level, for on-venue derivatives trades, intraday reporting of lifecycle events is not mandatory, it is optional. At trade level and at position level, for on-venue-derivatives, all lifecycle events can be reported at the end of the day reflecting the state of the derivative at that point.

166. Example of an on-venue derivative following the RTS on reporting: A Portuguese credit institution A sends a modification to an on-venue position with a Spanish investment company counterparty B, due to a corporate event occurring in the underlying equity. The report pertains to a position of futures traded on trading venue X on dividends on a share of a Dutch company. The position is collateralised and settlement will be in cash.

167. Not all the required fields have been included.

TABLE 10 REPORTING OF AN ON-VENUE DERIVATIVE

No	Field	Example
Table 1		
1	Reporting timestamp	2021-12-02T09:35:00Z
2	Report submitting entity ID	LEI A
3	Entity responsible for reporting	LEI A
4	Counterparty 1 (Reporting counterparty)	LEI A

5	Nature of the counterparty 1	F
6	Corporate sector of the counterparty 1	CDTI
7	Clearing threshold of counterparty 1	TRUE
8	Counterparty 2 identifier type	TRUE
9	Counterparty 2	LEI B
11	Nature of the counterparty 2	F
12	Corporate sector of the counterparty 2	INVF
14	Reporting obligation of the counterparty 2	FALSE
16	Clearing member	LEI A
17	Direction	BYER
20	Directly linked to commercial activity or treasury financing	FALSE
Table 2		
1	UTI	ABCDE24680TTTTT22222
7	ISIN	DE000C5XXXXX
9	Product classification	FFVCSX
10	Contract type	FUTR
11	Asset class	EQUI
13	Underlying identification type	I
14	Underlying identification	NL001154XXXX
19	Settlement currency 1	EUR

21	Valuation amount	205.100,00
22	Valuation currency	EUR
23	Valuation timestamp	2021-12-02T00:59:00Z
24	Valuation method	CCPV
26	Collateral portfolio indicator	TRUE
27	Collateral portfolio code	1814145_1145_BSC040XXXX
30	Clearing obligation	UKWN
31	Cleared	Y
32	Clearing timestamp	2021-12-01T00:59:00Z
33	Central counterparty	CCP LEI
37	Intragroup	FALSE
38	PTRR	FALSE
41	Venue of execution	MIC X
42	Execution timestamp	2021-12-01T00:30:00Z
43	Effective date	2021-11-30
44	Expiration date	2021-12-17
47	Delivery type	CASH
48	Price	0,42
49	Price currency	EUR
55	Notional amount of leg 1	1554000
56	Notional currency 1	EUR
60	Total notional quantity of leg 1	3700000
151	Action type	MODI
152	Event type	Corporate Event

153	Event date	2021-12-02
154	Level	PSTN

4.9 Timely reporting of conclusion, modification and termination of a derivative

168. Article 9(1) of EMIR provides that ”Counterparties and CCPs shall ensure that the details of any derivative contract they have concluded and of any modification or termination of the contract are reported (…) to a trade repository (…)”. Furthermore, the relevant details should be reported “no later than the working day following the conclusion, modification or termination of the contract.

4.9.1 Conclusion of a derivative

169. Each conclusion of a derivative should be reported to a TR. If a derivative that is concluded is subsequently terminated, then the counterparties or ERR, as applicable, after reporting it with action type ‘New’ should report it with action type ‘Terminate’.

170. Counterparties should report the conclusion of a derivative even if the termination of that derivative occurs before the reporting deadline (e.g. for intraday derivatives). In such case the counterparty should send, within the same reporting deadline, two reports: one with action type ‘New’ and one with action type ‘Terminate’. If the derivative is terminated on the same day due to inclusion in a position, the counterparty should send only one report for that derivative, with action type ‘Position component’.

171. If the original derivative was included in a position and thus reported with the action type ‘Position Component’, and is subsequently terminated, the counterparties should not send a report with action type ‘Terminate’ for the original derivative, however the counterparties should send a report with action type ‘Modification’ for the position in which the original derivative was included in order to remove this derivative from the position.

172. Action type ‘Error’ should only be used to cancel the derivatives that never came into existence or that are out of the scope of the reporting obligation under EMIR. Therefore, in the specific scenario where the counterparties agree to conclude a derivative which is conditional upon registration with the CCP and the CCP rejects that derivative, the counterparties should terminate the derivative with action type ’Error‘ because the agreed condition for the contract to take place was not fulfilled, therefore the derivative never came into existence.

4.9.2 Modification or correction of a derivative

173. A modification to a derivative comprises the reporting of the following action types: ’Modify‘ and ’Correct‘. The timeline for reporting is the same as for the conclusion of a derivative, meaning that from the point in time when a modification is effective, it becomes reportable.

174. Counterparties should report only the modifications that have taken place, i.e. they should not report modifications that were agreed but will become effective in the future. To give an example, if the counterparties agree to amend the notional on a future date, this amendment should be reported only once the agreed date (the effective date of amendment) is reached.

175. With respect to correction, these should be reported as soon as the incorrectly reported data is identified.

176. It is not necessary to send a correction report if, following a modification of a derivative, a counterparty has introduced incorrect information only in its own internal systems but has not reported such incorrect data to the TR. In such cases that counterparty should only send the modification report containing final, correct data (i.e. does not have to send modification report with the incorrect data and then correction).

4.9.3 Reporting of margin and valuation updates

177. In the case of valuation updates, the counterparties should send daily valuations by the end of the working day following the date of the valuation and populating the date of valuation date in the field ’Event date‘. It should be equal to the date part of the field ‘Valuation timestamp’.

178. Margin updates should be sent daily and counterparties should populate the field ‘Event date’ with the date for which the margin update is reported (i.e. margin update report should reflect the state of margins at the end of that day). Margin updates should be reported when they become effective, i.e. on the expected settlement date, and they should include any margin that is in transit and pending settlement, without considering temporary settlement failures.

179. In the specific case of margins pre-paid to a CCP in advance of a portfolio of cleared trades, these should be reported on T+1 of the conclusion of the first applicable derivative in the related portfolio (linked by a portfolio code), rather than on the day following the date on which the collateral was lodged.

180. More generally, no margins should be reported if no derivative covered by those margins was previously reported.

4.9.4 Termination of a derivative

181. Counterparties should not send a report with action type ’Terminate‘, when a derivative reaches its maturity date and therefore is no longer outstanding. Once

the maturity date is reached, the derivative will be automatically treated as non-outstanding.

182. If the counterparties agree to terminate a derivative prior to the maturity date or to terminate the open term derivative, they should either:

a. Submit a report with action type 'Terminate' where the agreed termination date is for the same day as the notice of termination, or

b. Submit a report with action type 'Modify' where the agreed termination date is the following day or later. In this case, the counterparties should modify the maturity date accordingly.

183. The counterparties should not send a report with action type 'Terminate' if the termination date falls on the maturity date. This includes e.g. when a counterparty exercises an option on the maturity date.

184. In a case of a netted position, counterparties may either decide to keep it open and report valuation on a daily basis or to terminate such position (and report with action type 'New' and new UTI in case it needs to be reopened). Both counterparties should report consistently. This aspect is covered in more detail in the section 4.7.

Event date

185. specifies what should be reported in the field 'Event date' for each action type. The event date, by definition, also indicates what is a trigger for reporting, e.g. the valuation date in the case of valuation updates. The actual reports should be submitted by the end of the working day following the event date.

Table 11

Action type	Event date
New	Date of conclusion of the derivative or date of creation of a position
Modify	Effective date of modification
Correct	Date from which the correction should apply (typically the date for which previous incorrect data was reported)
Terminate	Date on which termination becomes effective
Error	Date of reporting of Error
Revive	Date of reporting of Revive
Valuation	Valuation date

Table 11	
Action type	**Event date**
Position component	Date of conclusion of the derivative and of its inclusion in the position
Margin update	Expected settlement date of the margin

186. In the case where, future dated early termination is agreed, the modification should be reported by the end of the working day following the date of the agreement. Such modification report should contain the agreement date as the 'Event date' and the agreed, future date populated in the 'Expiration date' field.

187. Event date must be taken into account by the TRs for the purpose of constructing the Trade State Report of a derivative. More details in this regard are included in the section 7.1.

4.10 Mapping business events to action types and levels

188. ESMA provides below a mapping between business events and the corresponding action types and event types the counterparties should use in connection with the respective events.

189. Table 12 contains a column 'Reportable?' which provides clarifications on the reportability of each event. As a general rule, however, counterparties should report any new trades that fall under the reporting scope and any modification that affects the reported details.

190. Some of the business events (e.g. the default of other counterparty) might differ from a general case presented in the table. Hence, actual sequence of the reportable events might in some cases differ from the given examples and should always reflect the real-world events as closely as possible.

191. When reporting early termination events (due to e.g. full termination or early exercise of the derivative contract), counterparties should choose the reportable action type based on the effective date of the event. If the agreed termination date is for the same day as notice of termination, counterparties should use the 'Terminate' action type. If the agreed event takes place in the future, counterparties should use 'Modify' action type and update the maturity date to reflect the agreed-upon termination date.

Table 12						
Category	**Business Event**	**Detail**	**Reportable?**	**Action type**	**Event type**	**Comment**
Amendments and Cancellations	Amendment (i.e. Correction)	Amending details that were originally input incorrectly	Yes, if affects reported details	Correct		
	Economically Immaterial Amendment		Yes, if affects reported details	Modify	Trade	
	Economically Material Amendment		Yes, if affects reported details	Modify	Trade	
	Cancellation	Trade booked in error and subsequently cancelled.	Yes	Error		
	Cancellation reported by mistake	Trade has been cancelled by mistake and needs to be revived	Yes	Revive		
Trade events	New Trade		Yes	New	Trade	
	Increase	A bilaterally executed agreement to increase the notional on the transaction	Yes	Modify	Trade	
	Full Termination	Full Unwind	Yes	Terminate/Modify	Early termination	
	Partial Termination	Partial Unwind	Yes	Modify	Early termination	

Table 12						
Category	**Business Event**	**Detail**	**Reportable?**	**Action type**	**Event type**	**Comment**
	Allocation	Original Unallocated "Block" Trade allocated to principal parties.	Yes	Terminate/Modify	Allocation	Modify applicable for partial allocations
		Subsequent allocated trades	Yes	New	Allocation	
	Cleared Positions/Trades	Original Bilateral Trade (the "alpha" trade)	Yes	Terminate	Clearing	
		Cleared Position ("beta" and "gamma" trades)	Yes	New	Clearing	
	Full Novation	Remaining party	Yes	Terminate+ New	Step-in	Trade with original counterparty is terminated
		Step in	Yes	New	Step-in	
		Step out	Yes	Terminate	Step-in	
	Partial Novation	Remaining party	Yes	Modify+New	Step-in	
		Step in	Yes	New	Step-in	
		Step out	Yes	Modify	Step-in	
	Option Exercise	Full Exercise	Only if exercise takes place before original expiration	Terminate/Modify	Exercise	
		Partial Exercise	Only if exercise takes place before	Modify	Exercise	

Table 12						
Category	**Business Event**	**Detail**	**Reportable?**	**Action type**	**Event type**	**Comment**
			original expiration			
	Give-up/Take-up	Remaining party	Only if the event takes place later than the reporting deadline (T+1)	Modify	Step-in	
		Step in		New	Step in	
		Step out		Terminate	Step in	
	Position Transfer	Remaining party	Only if the event takes place later than the reporting deadline (T+1)	Modify	Step in	
		Step in		New	Step in	
		Step out		Terminate	Step in	
	Swaption Exercise	Exercise of a Swaption	Only if exercise takes place before original expiration	Terminate	Exercise	
		Resulting Swap from the exercise of a Swaption.	Yes	New	Exercise	
	Compression Event	Original Trade - Terminated	Yes	Terminate	PTRR	
		Original Trade - Amendment	Yes	Modify	PTRR	
		New resultant trade	Yes	New	PTRR	

Table 12						
Category	**Business Event**	**Detail**	**Reportable?**	**Action type**	**Event type**	**Comment**
	Cash Settlement	The actual cash settlement of fees, payments, etc	No			Unwind fees are reported in the termination message
	Maturity of Contract	Derivative contract expiring on the original maturity date	No			Contract is automatically updated to non-outstanding state by the TR
	Cascade	Breakdown of a position into a more granular level: the initial position in, e.g. a yearly contract	Yes	Terminate	Trade	
		Resulting positions in, e.g. quarterly contracts	Yes	New	Trade	
	Split	Dividing a trade and allocating it to multiple positions	Yes	Terminate	Allocation	
		Creating/amending the impacted positions	Yes	New/Modify	Allocation	
Intrinsic changes	Amortizing Notionals	Changes to the notional during the course of a trade.	No (the amortizing schedule is already reported at the conclusion of the trade)			

Table 12						
Category	**Business Event**	**Detail**	**Reportable?**	**Action type**	**Event type**	**Comment**
	Dividend Resets		No			
	Equity Resets		No			
	Rate Resets	Changes to the floating rate of a trade	No			
Other	Successor Events	The other counterparty is succeded	LEI change of counterparty due to corporate events is covered in section 4.14			
		The reference entity specified in the transaction is succeeded by another entity.	Yes	Modify	Corporate Event	
	Credit Events	Default on a transaction e.g. bankruptcy/restructuring/ obligation default of the other counterparty.	Yes	Modify/Terminate	Trade/Early Termination	The exact sequence of reportable events will depend on details of each bankruptcy process
		Default, e.g. bankruptcy/restructuring/ obligation default of a reference entity.	Yes	Modify/Terminate	Credit Event	Action type depends on the result of event (trade is terminated or, e.g. index factor needs

Table 12						
Category	**Business Event**	**Detail**	**Reportable?**	**Action type**	**Event type**	**Comment**
						to be updated)
	Corporate Actions	Bonus Issue/Capitalisation issue	Yes, if the reported underlying identifier (e.g. ISIN or LEI) or other trade terms change	Modify	Corporate Event	Assuming the corporate action takes place in the underlying instrument/issuer
		Special Dividend		Modify	Corporate Event	
		Spin-Off		Modify	Corporate Event	
		Stock Split/Change in nominal value		Modify	Corporate Event	
		Reverse Stock split/Change in nominal value		Modify	Corporate Event	
		Other corporate actions affecting reported details		Modify	Corporate Event	
	Conversions	Parties mutually agreeing and consenting to a conversion which results in a material amendment. Example would be swap on an ADR that is converted to swap on the underlying stock as agreed by both parties, or a stock is dual listed and is converted from a GBP line to a HK line as agreed by both parties.	Yes	Modify	Trade	

Table 12						
Category	**Business Event**	**Detail**	**Reportable?**	**Action type**	**Event type**	**Comment**
	Publicly Traded / Listed Swap Index	Swap is removed/changed in the index by the administrator of the index (i.e. not at the discretion of the dealer or counterparty). Example would be quarterly roll for index CDS. Would not include rebalancing of the index	No, if the underlying identifier or other trade terms do not change			
	Triggering of fallback rates	Change in floating rate due to fallback event	Yes	Modify	Trade	
	Customized Basket Index Swap	Constituents of the basket are changed at the discretion of the dealer or counterparty. Example would be rebalancing the basket by closing a swap on an old ticker and booking that swap on a new ticker.	Yes	Modify	Trade	Only the financial instruments traded on a trading venue
Portfolio Swap	Addition of Reference Underlyer to Long Portfolio or Short Portfolio	Creation of a new swap contract on Security XYZ.	Yes	New	Trade	Assuming the portfolio components are reported as individual swaps (potentially

Table 12						
Category	**Business Event**	**Detail**	**Reportable?**	**Action type**	**Event type**	**Comment**
	Removal of Reference Underlyer from Long Portfolio or Short Portfolio	Partial or full termination of existing swap contract on Security XYZ.	Yes	Terminate/Modify	Early termination	part of a complex trade)
	Increase in Notional Amount for Existing Reference Underlyer	Increasing long or short exposure to Security XYZ.	Yes	Modify	Trade	
	Decrease in Notional Amount for Existing Reference Underlyer	Decreasing long or short exposure to Security XYZ in a portfolio swap wrapper.	Yes	Modify	Trade	

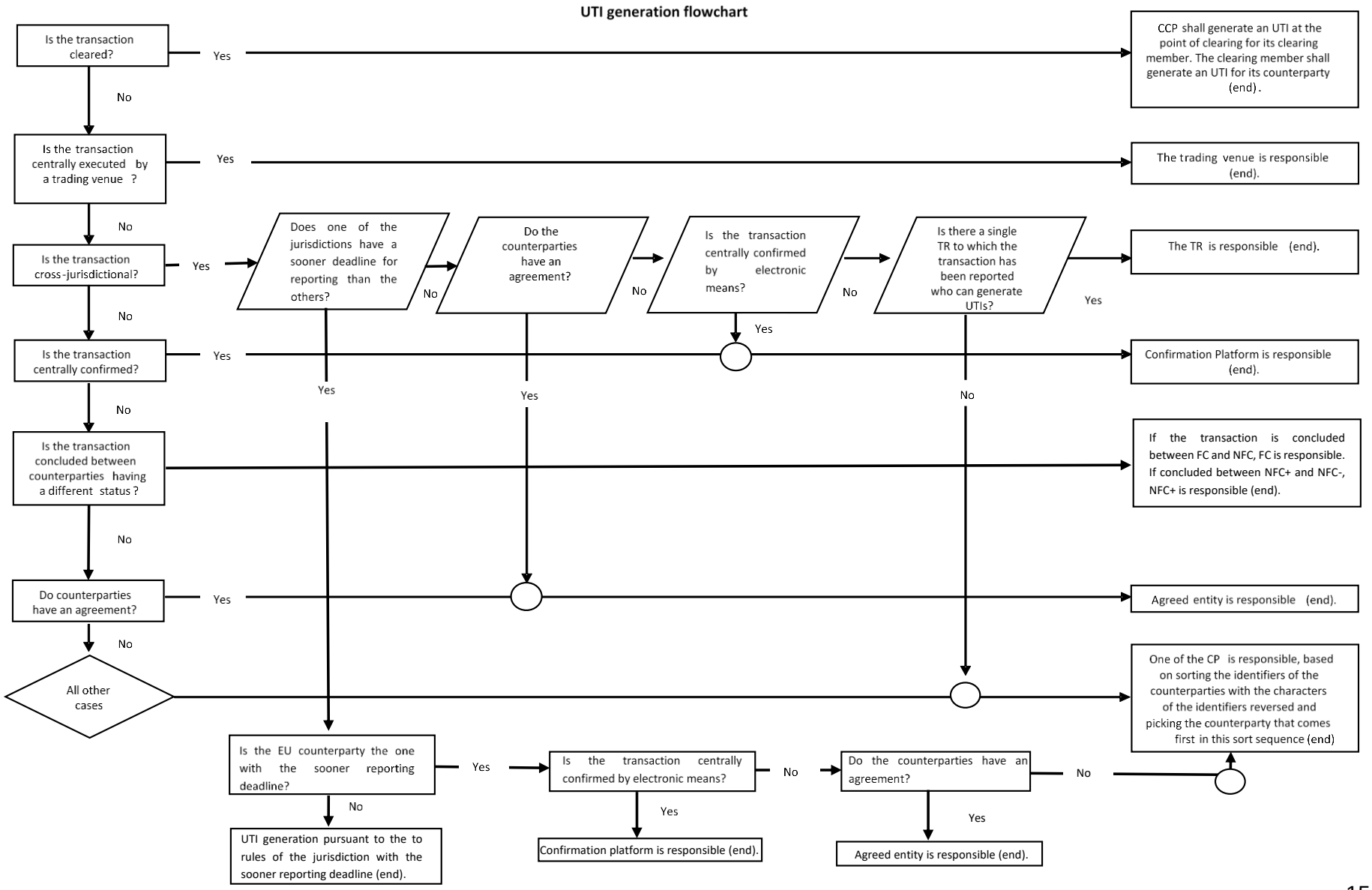
4.11 UTI generation

192. Timely generation and communication of the UTI is crucial to ensure that counterparties can comply in a timely manner with their reporting obligation. Where one of the counterparties is responsible for the generation of the UTI, both counterparties should make the necessary arrangements in order for the generating counterparty, to timely generate the UTI, use it in its own reporting and communicate it to the other counterparty, and for the receiving counterparty, to ingest the UTI and use the same UTI (without alteration or truncation) in its own reporting. As a best practice, the manual intervention in the process of sharing the UTI should be avoided and digital means should be favoured.

193. The 10:00 am deadline for UTI generation and communication applies to all derivatives, including the derivatives reported at position level. In case the generating party fails to generate or communicate the UTI in due time, which is 10:00 am UTC on T+1, in order to meet the reporting deadline, the receiving party should contact the generating party and enquire about the process instead of reporting using an UTI generated on its own.

194. The below flowchart illustrates how the counterparties should determine the entity responsible for the UTI generation in accordance with the Article 7 of the ITS on reporting.

1.


UTI generation flowchart
Is the transaction cleared?
Yes
CCP shall generate an UTI at the point of clearing for its clearing member. The clearing member shall generate an UTI for its counterparty (end).
No
Is the transaction centrally executed by a trading venue ?
Yes
The trading venue is responsible (end).
No
Is the transaction cross-jurisdictional?
Yes
Does one of the jurisdictions have a sooner deadline for reporting than the others?
No
Do the counterparties have an agreement?
No
Is the transaction centrally confirmed by electronic means?
No
Is there a single TR to which the transaction has been reported who can generate UTIs?
Yes
The TR is responsible (end).
No
Is the transaction centrally confirmed?
Yes
Yes
Yes
Yes
Confirmation Platform is responsible (end).
No
Is the transaction concluded between counterparties having a different status ?
No
If the transaction is concluded between FC and NFC, FC is responsible. If concluded between NFC+ and NFC-, NFC+ is responsible (end).
Do counterparties have an agreement?
Yes
Agreed entity is responsible (end).
No
All other cases
One of the CP is responsible, based on sorting the identifiers of the counterparties with the characters of the identifiers reversed and picking the counterparty that comes first in this sort sequence (end)
Is the EU counterparty the one with the sooner reporting deadline?
Yes
Is the transaction centrally confirmed by electronic means?
No
Do the counterparties have an agreement?
No
No
UTI generation pursuant to the to rules of the jurisdiction with the sooner reporting deadline (end).
Yes
Confirmation platform is responsible (end).
Yes
Agreed entity is responsible (end).

195. If the entity responsible for the generation of the UTI (e.g. a third-country venue or a confirmation platform) is not subject to EMIR and is not able/willing to generate the UTI, the parties should follow the next step in the UTI-generation waterfall. If the final step of the waterfall assigns the responsibility to the other counterparty that is not an EU counterparty and that counterparty does not provide the UTI, the reporting counterparty should generate an UTI on its own in order to meet the reporting deadline. However, if the non-EU counterparty provides the UTI late and the EU counterparty has already reported with its own UTI, the EU counterparty should Error the reported derivative and rereport with the UTI generated in line with the ITS on reporting.

196. When the process leads to the 'counterparty agreement' step, the counterparties may decide e.g. that always one of them will be generating the UTI or may decide to apply other commonly agreed rules, including a tie-breaker logic of their choice. The chosen logic should be straightforward enough to ensure clear determination of the counterparty responsible for the UTI generation in all cases.

197. The solution of last resort determines the UTI generating entity by sorting the LEI identifiers in reversed order. For this purpose, the counterparties should use the ASCII sorting method, where a digit always precedes a letter:

Table 13		
	Example 1	**Example 2**
LEI	CP1: 1111ABCDEABCDEABC123 CP2: 1111AAAAABBBBBCCC23	CP1: ABCDEABCDEABCDE12345 CP2: ABCDEABCDEAAAAA12344
LEI in the reversed order	321CBAEDCBAEDCBA1111 32CCCBBBBBAAAAA1111	54321EDCBAEDCBAEDCBA 44321AAAAAEDCBAEDCBA
Sorted on a character-by-character basis, a digit comes always before a letter (ASCII order)	321CBAEDCBAEDCBA1111 because "1" (digit) comes before "C" (letter)	44321AAAAAEDCBAEDCBA because "4" comes before "5"

198. The actual generation of the UTI can be delegated, meaning that any entity determined as entity responsible for the UTI generation in line with the ITS on reporting, can delegate the generation of the UTI to a third party. It must ensure

however that the third party complies with all the relevant requirements with regards to the timeliness of the UTI generation, the structure and format of the UTI etc.

4.12 Determining counterparty side

199. Article 4 of the ITS on reporting provides that the counterparty side to the derivative contract shall be determined at the time of the conclusion of the derivative on the basis of the type of contract concluded.

200. Based on the above, counterparties should determine the counterparty side at the time of the conclusion of the derivative and report either Buyer/Seller in field 'Direction' or Payer/Receiver in fields 'Direction of Leg 1' and 'Direction of Leg 2' depending on the type of the derivative concluded, as provided in the table below.

201. Counterparties, once determined the counterparty side, should report the fields related to 'Direction', 'Direction of Leg 1' and 'Direction of Leg 2' with the opposite values.

202. This means that in case where the two counterparties concluded a contract which requires the population of the field 'Direction', if the counterparty 1 reports Buyer in field 'Direction', the other counterparty to the contract should report Seller and vice versa.

203. Similarly, assuming that counterparties should agree on the consistent way of reporting of the respective legs of the derivative, in case where the two counterparties concluded a contract which requires the population of the fields 'Direction of Leg 1' and 'Direction of Leg 2', if the counterparty 1 reports Payer/Receiver in field 'Direction of Leg 1' and Receiver/Payer in field 'Direction of Leg 2', the other counterparty to the contract should report Receiver/Payer in field 'Direction of Leg 1' and Payer/Receiver in field 'Direction of Leg 2'. Please refer to the section 7.2.4 for more detailed discussion concerning the reporting and reconciliation of derivatives with two legs.

204. It is also expected that the counterparty which reports Payer in field 'Direction of Leg 1' should report Receiver in field 'Direction of Leg 2' and vice versa.

Table 14 Use of Direction fields per product type

Type of contract	Direction	Direction of leg 1	Direction of leg 2
Option	Buyer/Seller	-	-
Swaption	Buyer/Seller	-	-

Table 14 Use of Direction fields per product type			
Type of contract	**Direction**	**Direction of leg 1**	**Direction of leg 2**
Currency Forward	-	Payer/Receiver	Receiver/Payer
Currency Swap	-	Payer/Receiver	Receiver/Payer
Forward	Buyer/Seller		
Non-Deliverable Forward (NDF)	-	Payer/Receiver	Receiver/Payer
Future	Buyer/Seller		
CFD	Buyer/Seller		
Spreadbet	Buyer/Seller		
Dividends Swap	Buyer/Seller		
Securities Swap		Payer/Receiver	Receiver/Payer
Interest Rate Swap		Payer/Receiver	Receiver/Payer
Inflation indices Swap		Payer/Receiver	Receiver/Payer
Cross-currency Swap		Payer/Receiver	Receiver/Payer
Instrument for the transfer of credit risk (except options and swaptions)	Buyer/Seller		
Commodities Swap		Payer/Receiver	Receiver/Payer
Forward Rate Agreement		Payer/Receiver	Receiver/Payer
Derivatives related to variance, volatility and correlation	Buyer/Seller		

205. In relation to the action types ’Valuation’ and ’Margin Update’ the fields ‘Direction’, ‘Direction of Leg 1’ and ‘Direction of Leg 2’ do not have to be reported.

206. When a position is the result of netting of the position to 0, the field ‘Direction’ could be reportable as either Buyer/Seller, Seller/Buyer and the fields ‘Direction of Leg 1’ and ‘Direction of Leg 2’ could be reportable as either Payer/Receiver, Receiver/Payer since for the purpose of reconciliation these fields should not be reconciled in this case. Please refer to the section 7.2.4 for more details concerning the reporting and reconciliation of fields ‘Direction’, ‘Direction of leg 1’ and ‘Direction of leg 2’ when positions are netted to zero.

4.13 Identification of counterparties

207. Article 3 of the ITS on reporting provides that the counterparty 1 to a derivative and the entity responsible for reporting shall ensure for the purpose of reporting the conclusion or modification of a derivative that the reference data related to its ISO 17442 LEI code is renewed in accordance with the terms of any of the accredited Local Operating Units of the Global LEI System.

208. Furthermore, according to the Article 3 of the ITS on reporting, the ISO 17442 Legal Entity Identifier (LEI) code should be used to identify a broking entity, a CCP, a clearing member, a counterparty which is a legal entity, a report submitting entity, an entity responsible for reporting, and a post-trade risk reduction service provider.

209. Article 9(5) of EMIR provides that at least the identities of the parties to the derivative contracts should be reported. This requirement cannot be waived. Therefore, a counterparty dealing with counterparties that cannot be identified because of legal, regulatory or contractual impediments, would not be deemed compliant with Article 9(5) of EMIR.

210. It should be noted that the counterparties reporting under EMIR should always identify themselves with the LEI of the headquarters, given that the legal responsibility for reporting always lies on the legal entity and not on the branch.

211. In order to reduce reporting issues due to lapsed LEI, the LEI code of the counterparty 1 and the entity responsible for reporting should be, for the purpose of reporting any new derivative or any modification, duly renewed and maintained according to the terms of any of the endorsed LOUs (Local Operating Units) of the Global Legal Entity Identifier System.

212. Entities other than the counterparty 1 and the entity responsible for reporting could be reported with a lapsed LEI in accordance with the validation rules.

213. When populated, the LEI of counterparty 2, RSE, broking entity, CCP, Clearing Member and PTRR service provider should be included in the GLEIF database maintained by the Central Operating Unit, i.e. should be a valid LEI.

214. The point in time relevant for the validation of the LEI status is the date of reporting, as specified in the validation rules.

215. The field ’Country of the counterparty 2‘ should be populated only when the field ’Counterparty 2 identifier type‘ is ‘False’, i.e. refers to natural persons not acting in business capacity and should refer to the code of the country of residence of that person.

216. Fields ‘Corporate sector of the counterparty 1‘ and ’Corporate sector of the counterparty 2‘ should be populated with the sector of the counterparty itself and should not refer to the sector of its branch.

217. In case the counterparty 2 to the derivative contract is a natural person not acting in business capacity, a client code should be used. Client codes should be reported only when the field ’Counterparty 2 identifier type‘ is populated with ’False’.

218. If the counterparty 2 is subject to the reporting obligation under EMIR, the field ’Reporting obligation of the counterparty 2‘ should be populated with ‘True’ since the indicator of the reporting obligation is independent from the allocation of responsibility for reporting and from any delegation arrangement.

219. It should be noted that the field ’Reporting obligation of the counterparty 2‘ should be populated with ‘False’ when counterparty 2 to the derivative contract is a natural person not acting in business capacity, a non-EU counterparty, a non-EU CCP, an entity referred in Article 1(4) of EMIR (BIS, Central Banks, etc).

Table 15	
Counterparty 2	**Reporting obligation of the counterparty 2**
EU FC/NFC/CCP	TRUE
NON EU FC/NFC/CCP	FALSE
NATURAL PERSON NOT ACTING IN BUSINESS CAPACITY	FALSE
ENTITIES IN ART. 1(4) OF EMIR (BIS, CENTRAL BANKS, etc)	FALSE
ENTITIES IN ART. 1(5) OF EMIR (MULTILATERAL DEVELOPMENT BANKS, ESM,ESF, etc)	TRUE

220. Client codes should be reported as ’LEI of Counterparty 1 + Internal Identifier of Individuals‘, where such internal identifier should be unique at the level of the given reporting counterparty (counterparty 1), i.e. the client it is not expected to have one single internal identifier across all entities it trades with. Furthermore, the internal identifier adopted for the identifications of individuals should not contain information referred to as personal data (irrespective of its sensitivity).

221. The LEI component of the client code should not be updated when the reporting counterparty (to which the LEI pertains) undergoes the corporate event.

222. Furthermore, in case of corporate events, where the affected counterparties have the same individual as a client and the internal identifier associated with that individual is different between the involved parties, after the merger the reporting counterparty should identify that individual with one of the previously used internal identifiers in order to ensure the traceability. In particular for newly concluded derivatives only one of the client codes should be consistently used, the one starting with the LEI of the reporting counterparty after the merger. Reportable lifecycle events for derivatives outstanding at the time of the merger should be reported with the client codes which were used before the corporate event for those derivatives.

TABLE 16 REPORTING OF CLIENT CODES IN CASE OF A CORPORATE EVENT

Before the merger	Reporting timestamp	Reporting Counterparty	Other Counterparty	Trade ID	Action type
	T	LEIAAAA	LEIAAAA123	xyz	Modification
	T	LEIBBBB	LEIBBBB456	qwe	Modification

LEIBBBB merges into LEIAAAA at T+1

After the merger	Reporting timestamp	Reporting Counterparty	Other Counterparty	Trade ID	Action type
	T+2	LEIAAAA	LEIAAAA123	xyz	Modification
	T+2	LEIAAAA	LEIBBBB456	qwe	Modification
	T+2	LEIAAAA	LEIAAAA123	jkl	New

4.14 Procedure when a counterparty undergoes a corporate action

223. Article 8 of the ITS on reporting stipulates that when a counterparty undergoes a corporate action resulting in the change of its LEI, that counterparty or the ERR or the entity to which reporting was delegated should notify the relevant TR of the change and request update of the LEI. Furthermore, Article 2 of the RTS on data quality provides that the TR to which the request is addressed shall identify the derivatives outstanding at the time of the corporate restructuring event where the entity is reported with the old identifier in the field 'Counterparty 1 (Reporting counterparty)' or in the field 'Counterparty 2' as informed in the relevant request and shall replace the old identifier with the new LEI in the reports relating to all those derivatives pertaining to that counterparty at the time of the corporate event.

224. Article 2 of the RTS on data quality also provides the procedure and the timeline to be followed by trade repositories in order to properly finalize the update of the LEIs for all the derivatives pertaining to the counterparty submitting the request under Article 8 of the ITS on reporting.

225. The LEI update should occur on the date of the corporate restructuring event. If the request to update the LEI due to a corporate event is received by the TR later than 30 days prior to the corporate event, the TR should perform the update as soon as possible and no later than 30 calendar days from receiving the request.

226. To ensure the timely communication between the entity involved in the update and its TR, the counterparty affected by the change should provide all the necessary information on the merger to its TR no later than 30 calendar days prior to the corporate event date.

227. In case the affected counterparty is a third country entity, the EU counterparty or entity responsible for reporting or the entity to which the EU reporting counterparty delegated the reporting should be responsible for communicating the change to the TR.

228. In addition, when a counterparty is not responsible and legally liable for reporting, the entity responsible for reporting is responsible for communicating the

change to the TR. In case of delegation, the responsibility for communicating the change to the TR should belong to the report submitting entity.

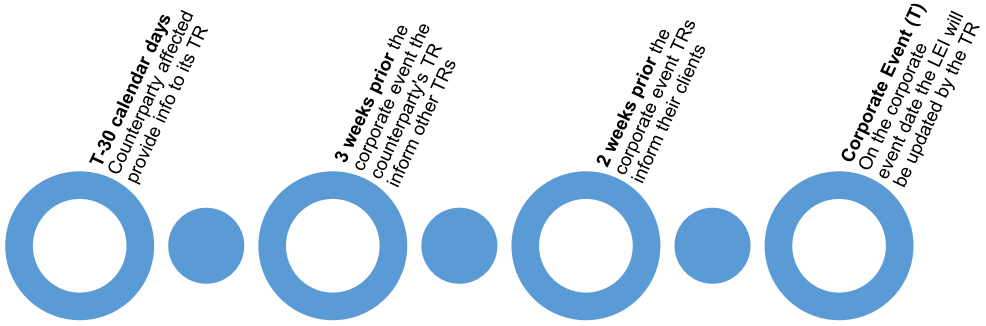
229. It should be noted that where the affected counterparty does not have any contractual relationship with the TR, it should inform the report submitting entity or the entity responsible for reporting. Anyway, the responsibility for informing the TR can be specified by the relevant parties in a delegation act.

230. Furthermore, in order to ensure a proper communication process between TRs, the TR to which a request for update of a LEI is addressed should inform other TRs about a new LEI update execution not later than 3 weeks prior to the corporate event date.

231. To ensure a timely communication process between TRs and their clients, TRs should inform their clients about a new LEI update execution no later than 2 weeks prior to the corporate event date.

232. When the TR is broadcasting to its clients information about a corporate event, a reporting counterparty that has no contractual relationship with the TR should be informed of such event without undue delay by the entity responsible for reporting or the report submitting entity, as applicable.

233. Entities involved in the update are expected to provide all the necessary information to their LOUs in order to ensure a proper and timely update of LEI in GLEIF database.



234. If the request was received later than thirty calendar days prior to the corporate event, the TR should update the LEI of all derivatives that were outstanding at the time the corporate event took place and between the corporate event date and the date TR performs the update. Therefore, also terminated/expired derivatives between the two dates should be updated.

235. If the affected entities are reported in fields other than ‘Counterparty 1 (reporting counterparty’, ’Counterparty 2’ or the ‘Entity responsible for reporting’ of the derivative (for example the entity affected by the change is the entity reported in ‘Broker ID’ or ‘Clearing member’ fields), these entities should provide to TRs either the list of UTIs affected by the change or, in case they do not possess this information, all the necessary details so that TRs are able to identify the impacted

derivatives. In this case, the TRs should perform such an update only following a confirmation of the impacted records by the counterparty 1 or the entity responsible for reporting, as applicable. Where the counterparty 1 or the entity responsible for reporting does not reply in due time for the performance of the update, the update of the relevant details of these derivatives could be performed by submitting the relevant reports with action type 'MODI'.

236. In case the corporate event affects only a subset of derivatives (e.g. spin offs), TRs should put in place common procedures for updating LEI data on those derivatives contracts that could be affected by partial changes of the LEIs. The responsibility for indicating which UTIs are affected by the change should remain with the counterparties or entities responsible for reporting. Both counterparties/ERRs are expected to communicate the change to their TRs.

237. Trades with the old LEI errored or terminated by mistake that are actually outstanding at the time of the corporate event should be necessarily "revived" before (or at the time of) the corporate event. In case the counterparty or the ERR, as applicable, realizes after the corporate event that a derivative with the old LEI terminated/errored by mistake has not been revived before (or at the time of) the corporate event, the counterparty should report that derivative with a new UTI. In turn the other counterparty should terminate its derivative and re-report it with the newly generated UTI. This latter scenario should occur only as a last resort option considering that counterparties affected by a corporate event should carefully assess the perimeter of outstanding derivatives before the corporate event occurs.

238. TRs should produce any information about the update of the LEI, as specified in paragraph 3 (b) of Article 2 of RTS on data quality, in machine readable format in order to favour a timely and automatic process of LEI update by the stakeholders (TRs, reporting counterparties, report submitting entities, entities responsible for reporting).

239. The procedure provided in Article 2 of the RTS on data quality and the timelines provided above should be followed also with reference to the scenario of update from BIC or other identifiers to LEI.

4.15 Identification and classification of products

General clarifications

240. As specified in the ITS on reporting, the derivatives that are (i) admitted to trading or traded on a trading venue or (ii) are traded on a systematic internaliser and their underlying is admitted to trading or traded on a trading venue or is an index or basket composed of instruments traded on a trading venue; should be identified in field 2.7 using an ISO 6166 International Securities Identification Number (ISIN) code. The remaining derivatives should be identified in field 2.8 using an ISO 4914 Unique Product Identifier (UPI) code. In the specific case of derivatives traded on exchange in a third country, the identification of the product is not required if both ISIN and UPI are not available. In this way the relevant derivative products can be uniquely identified, while the counterparties are required

to provide only one way of identification for a given product and consistency with MiFIR reporting requirements is retained.

241. Additionally, the counterparties should classify all derivatives using the ISO 10692 Classification of Financial Instrument (CFI) code (field 2.9). Counterparties should always use official sources for the CFI. For this purpose, the CFI assigned by ANNA Derivatives Service Bureau (ANNA DSB) or the relevant National Numbering Agency (NNA) should be used. Further information can be obtained from ANNA DSB (https://www.anna-dsb.com/ufaqs/cfi-code/), from ANNA (http://www.annaweb.org/standards/about-identification-standards/), or from the relevant NNA of the derivative.

242. Counterparties should report only valid CFIs. In the case of derivatives identified with a UPI, the CFI is expected to be always available. For the other derivatives, if the CFI does not exist in the official sources, the counterparties should request it to the relevant NNA.

Identification of FX swaps

243. If the counterparties enter into an FX swap (regardless of how the product has been subsequently confirmed or settled), they should report it in a single report and identify the product with the UPI or ISIN pertaining to that FX swap. It should be noted that the UPI technical guidance explicitly envisages FX swaps as a separate product, thus there is no reason why FX swap would need to be decomposed into FX forwards for the purpose of reporting.

UPI reference data

244. ESMA is of the view that majority or all UPI reference data fields should not be required to be reported for the products identified with UPI, once the UPI system is fully in place and both authorities and markets participants gain more experience with the use of UPI. Additionally, similar consideration applies to the products identified with ISIN for which reference data are available in the Financial Instruments Reference Data System (FIRDS). While all reportable data elements will be required at the beginning of reporting, ESMA is already considering which data elements could be collected from the UPI reference data library or FIRDS instead of being reported to the TRs.

245. Once the validation rules are amended at a later stage to make some or all such fields conditionally mandatory, the counterparties should follow the validation rules and not report these fields for derivatives identified with a UPI/ISIN.

4.16 Identification of underlying

246. The underlying should be identified by using a unique identification for this underlying based on its type. Fields 2.13-2.18 describe the underlying, and the field ‘Underlying identification type’ in particular indicates that the underlying is either a basket, index or asset identified with an ISIN.

247. In the case of derivatives on indices, the counterparties should report the ISIN of the underlying index, if available, rather than the ISIN of the derivative. In addition, under the RTS on reporting the counterparties should report the standardised code indicating the index (if available) as well as the name of the index which should always be populated.

248. In the case of credit derivatives, field 'Underlying identification' should be reported in case of Credit Default Swap (CDS) based on specific reference obligation. For CDS hedging against the default of an entity, such entity should be reported in the 'Reference entity' field.

4.17 Price, notional and quantity fields

Reporting of the price

249. When reporting derivative contracts, in accordance with Article 6(2) of the RTS on reporting, counterparties should utilise field 2.48 'Price' only when price information is not included in another field of the report.

250. According to Article 6(1) of the RTS on reporting, counterparties should populate field 2.48 when reporting the following derivative types:

a. swaps with periodic payments relating to commodities (fixed price to be populated in field 2.48);

b. forwards relating to commodities or equities (forward price of the underlying to be populated in field 2.48);

c. swaps relating to equities, or contracts for difference (initial price of the underlying to be populated in field 2.48).

251. The list in Article 6(1) of the RTS on reporting is not exhaustive. When there are derivatives where the price is not specified in another field, 'Price' field should be populated. Examples of such derivatives include futures relating to commodities or equities, where forward price of the underlying is to be reported in the 'Price' field.

252. However, field 2.48 is not applicable and should not be populated when reporting one of the following derivative types:

a. Interest rate swaps and forward rate agreements, as it is understood that the information included in fields 'Fixed rate of leg 1'/'Fixed rate of leg 2' and 'Spread of leg 1'/'Spread of leg 2' should be interpreted as the price of the derivative.

b. Interest rate options and interest rate swaptions, as it is understood that the information included in fields 'Strike price' and 'Option premium amount' should be interpreted as the price of the derivative.

c. Commodity basis swaps, as it is understood that the information included in field 'Spread of leg 1'/'Spread of leg 2'39 should be interpreted as the price of the derivative.

d. Foreign exchange swaps, forwards and options, as it is understood that the information included in fields 'Exchange rate 1', 'Forward exchange rate', 'Strike price', and 'Option premium amount' should be interpreted as the price of the derivative.

e. Equity options, as it is understood that the information included in the fields 'Strike price' and 'Option premium amount' should be interpreted as the price of the derivative.

f. Credit default swaps and credit total return swaps, as it is understood that the information included in fields 'Fixed rate of leg 1'/'Fixed rate of leg 2', 'Spread of leg 1'/'Spread of leg 2' and 'Other payment amount' (when field 'Other payment type' is populated with 'UFRO') should be interpreted as the price of the derivative.

g. Commodity options, as it is understood that the information included in fields 'Strike price' and 'Option premium amount' should be interpreted as the price of the derivative.

253. If the derivative contract has price which varies by a schedule throughout the life of the derivative (and the price information is not reported in another data field), fields 2.50-2.52 should be populated in order to report the price schedule for the whole lifecycle.

254. Examples of the reporting of price for different products (either by specifying it in the dedicated field or through other data fields) can be found in section 6.

Reporting of notional and quantity

255. Notional amount fields (fields 2.55 and 2.64) should be populated in accordance with Article 5 of the RTS on reporting. Fields 2.57 to 2.59 and 2.66 to 2.68 are repeatable and should be populated in the case of derivatives involving notional amount schedules. The notional amount schedule, if applicable, should also be populated in accordance with Article 5 of the RTS on reporting.

256. When reporting the notional amount schedule, counterparties should indicate:

a. the unadjusted date on which the associated notional amount becomes effective;

b. the unadjusted end date of the notional amount; and

c. the notional amount which becomes effective on the associated unadjusted effective date.

[39] Even though the Spread fields are in the Interest Rate section of the table of fields, they should be populated when applicable (according to field descriptions in the RTS). Same approach should be followed when reporting e.g. the spread and fixed rate of CDS.

257. In the case of derivatives involving notional amount schedules, the 'end-date' is not required if the end date is back-to-back with the effective date of the subsequent period.

258. In the case of derivatives involving notional amount schedules, the notional amount input in field 2.55 ('Notional amount of leg 1'), should be input in the notional amount schedule fields. The same applies for the field 'notional amount of leg 2', if applicable.

259. When reporting a notional amount schedule, the date schedules are to be reported in chronological order.

260. Any updates to the notional amount that are not linked to an agreed upfront notional schedule, should be reported as a modification.

261. In the case where a position is netted (the notional becomes zero) there are two possible ways to proceed:

a. The position can be terminated. If the position is reopened it should be reported with a new UTI.

b. Counterparties can maintain the open position and report a zero contract value on a daily basis. If new trades are then incorporated into this position the notional, and other relevant fields, should be updated accordingly.

262. It has been observed that zero notional is sometimes reported e.g. in the case of voluntary right issues given to the holder of a CFD or in the case of CFDs resulting from a corporate action on the underlying (stock split), thus having a purchase price of zero. This is not considered a correct way of reporting.

263. With regards to the population of Notional at position level please refer to the clarification provided in the section 4.7.

264. With regards to the notional amount for credit index derivatives following a change in the index factor due to credit events, the counterparties should - to avoid double counting of the adjustment - not modify the notional but rather only update the field 2.147 'Index factor'.

265. When reporting non-standard commodity derivatives where the notional is not known when the contract is executed the following approach should be taken: report an estimate notional amount, which is periodically reviewed when the transaction is in delivery. If the notional becomes known during the lifetime of the derivative contract a modification should be submitted amending the notional amount.

266. To further elaborate on paragraph above, it is important that the counterparties to these non-standard commodity derivatives agree on the approach to calculating the notional in order that the reported notional is consistent. For example, the notional reported is based on a production forecast. Counterparties also need to agree when to update the notional to ensure consistency in the updated notional amounts.

Total notional quantity fields

267. Total notional quantity should be understood as the aggregate notional quantity of the underlying asset for the term of the derivative. Where the total notional quantity is not known when a new derivative is reported and therefore is reported with a default value, the total notional quantity should be updated as it becomes available.

268. Total notional quantity applies to ETDs more generally. This field is relevant for equities and commodities. If applicable, it should also be populated for the other asset classes. Fields 2.61 to 2.63 and 2.70 to 2.72 are repeatable and shall be populated in the case of derivatives involving notional quantity schedules.

269. In the case of derivatives involving notional quantity schedules, the total notional quantity input in field 2.60 ('Total notional quantity of leg 1'), will also need to be input in the notional quantity schedule fields. The same applies for the field 'Total notional quantity of leg 2', if applicable.

270. In the case of derivatives involving notional quantity schedules, the 'end-date' is not required if the end date is back-to-back with the effective date of the subsequent period.

271. When reporting a notional quantity schedule, the date schedules are to be reported in chronological order.

4.18 Reporting of valuations

272. Please refer to section 7.2.3 for further guidance on the reconciliation of the valuation data.

Valuation of the contract

273. Article 4 of the RTS on reporting provides that the counterparties should report valuation as follows:

a. For cleared derivatives - the valuation of the derivative provided by the CCP. This does not mean that the report should be made by the CCP. The CCP should make data available to counterparties so that the latter report. The use of CCP valuation data does not mean duplication of reporting.

b. For uncleared derivatives - the valuation of the derivative performed in accordance with the methodology defined in International Financial Reporting Standard 13 Fair Value Measurement as adopted by the Union and referred to in the Annex to Commission Regulation (EC) No 1126/2008, without applying any adjustment to the fair value. This means that the counterparties should not apply for the purpose of reporting under EMIR any valuation adjustments (such as CVA or DVA), even if such adjustments are applied for the accounting purposes.

274. When counterparties delegate reporting, including valuations, they retain responsibility for ensuring that reports submitted on their behalf are accurate. In the case of allocation of responsibility for reporting under Article 9(1a)-9(1d) of EMIR,

the entity responsible for reporting is responsible for the accuracy of the valuation submitted on behalf of the reporting counterparty.

275. The counterparties should report the actual valuation of the contract (positive or negative), rather than an absolute value. Typically, the valuation of the contract will be positive for one counterparty and negative for the other. It should be noted that under the technical standards valuation will form part of the reconcilable data, therefore counterparties need to send consistent valuation (i.e. the absolute value of the valuation should reconcile, while the signs will be opposite).

276. In general, the mark to market value should represent the total value of the contract, rather than a daily change in the valuation of the contract. However, where under the Settle-to-Market (STM) model the valuation is reset to zero on a daily basis and the variation margin is settled, counterparties and CCPs should report the daily change in the valuation.

277. It should also be noted that it is not permissible to report zero valuation of the contract exclusively on the grounds that there is no market risk because a variation margin has been exchanged. Any margin paid or received would be reflected in the fields 3.12-3.27 and not in the valuation.

278. The valuation requirements apply to CCPs as well as other reporting counterparties. Pursuant to the Article 4(4) of the draft RTS on reporting, clearing members are required to follow CCP valuation. This does not imply however that CCP's can set deviating standards - CCPs should comply with the requirements set out in the ITS and RTS on reporting and follow the guidance provided in the Guidelines or in the Q&As.

279. For some contracts the valuation changes infrequently and may not change from one day to another. However, data quality would not benefit from making exceptions and it would be hard to distinguish the cases of stable valuation from underreporting of the valuations, therefore the counterparties should report valuations on a daily basis also for these contracts (in line with the Article 2 of the ITS on reporting). The requirement to report valuation on a daily basis applies also when the valuation is zero, irrespective of the model used.

280. The first valuation of a given derivative should be reported by the end of the day following the conclusion of the derivative (reporting deadline), either in the original report with action type 'New' or in a separate report with action type 'Valuation'.

281. It is not necessary to report valuation on the last day of a derivative. In particular, it is not necessary to report valuation for intraday derivatives (i.e. derivatives that are concluded and terminated on the same day).

282. Where counterparties report packages composed of two or more derivatives, the valuation should be reported on a per derivative basis.

Valuation method

283. The valuation method should be reported in accordance with the applied method for determination of the valuation. This means that CCP-cleared trades should have a valuation method indicating that the CCP's valuation is reported. If

at least one valuation input is used that is classified as mark-to-model in the below table, then the whole valuation should be classified as mark-to-model. If only inputs are used that are classified as mark-to-market in the table below, then the whole valuation should be classified as mark-to-market.

Table 17 - Classification of valuation inputs

Bucket	Inputs used	Valuation method
1	Quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date [IFRS 13:76]. A quoted market price in an active market provides the most reliable evidence of fair value and is used without adjustment to measure fair value whenever available, with limited exceptions. [IFRS 13:77] An active market is a market in which transactions for the asset or liability take place with sufficient frequency and volume to provide pricing information on an ongoing basis. [IFRS 13: Appendix A]	Mark-to-market
2	Quoted prices for similar assets or liabilities in active markets [IFRS 13:81] (other than quoted market prices included within bucket 1 that are observable for the asset or liability, either directly or indirectly)	Mark-to-market
3	Quoted prices for identical or similar assets or liabilities in markets that are not active [IFRS 13:81] (other than quoted market prices included within bucket 1 that are observable for the asset or liability, either directly or indirectly).	Mark-to-model – historic prices from inactive markets should not be directly used
4	Inputs other than quoted prices that are observable for the asset or liability, for example interest rates and yield curves observable at commonly quoted intervals, implied volatilities, credit spreads [IFRS 13:81] (other than quoted market prices	Mark-to-market

Table 17 - Classification of valuation inputs		
Bucket	**Inputs used**	**Valuation method**
	included within bucket 1 that are observable for the asset or liability, either directly or indirectly)	
5	Inputs that are derived principally from or corroborated by observable market data by correlation or other means ("market-corroborated inputs") [IFRS 13:81] (other than quoted market prices included within bucket 1 that are observable for the asset or liability, either directly or indirectly)	Mark-to-model – the inputs can be derived "principally" from observable market data, meaning that unobservable inputs can be used
6	Unobservable inputs for the asset or liability. [IFRS 13:86] Unobservable inputs are used to measure fair value to the extent that relevant observable inputs are not available, thereby allowing for situations in which there is little, if any, market activity for the asset or liability at the measurement date. An entity develops unobservable inputs using the best information available in the circumstances, which might include the entity's own data, taking into account all information about market participant assumptions that is reasonably available. [IFRS 13:87-89]	Mark-to-model – unobservable inputs are used

Delta

284. Counterparties should report the delta of an option or swaption derivative, at trade or position level, in field 2.25. The reportable value is the ratio of absolute change in price (or value) of a derivative to the change in price (or value) of the underlying. Reported delta should be unadjusted, i.e. the reported value should not contain adjustments pertaining to e.g. counterparty credit risk.

285. CCPs, financial counterparties and non-financial counterparties referred to in Article 10 of EMIR should use the 'Valuation update' messages to report the delta value as it stands at the end of each day. In practice this means that only those counterparties that are required to send valuation updates are required to update the delta value daily.

286. Counterparties other than those referred to in the paragraph above are not required to report delta.

287. The value of delta may range from -1 to 0 for put options and 0 to 1 for call options. Reportable delta values are ratios, which means that they don't have a unit (e.g. currency). In case an exotic option (such as a binary or knock-in/out option) has a delta of less than -1 or more than 1, -1 or 1 should be reported, respectively.

288. For the specific case of swaptions, delta should be understood as the ratio between the change in value of the swaption to the change in value of the underlying swap.

289. For basket options, delta should not be reported.

4.19 Reporting of margins

290. The collateralisation categories need to be reported in accordance with the Article 5 of the ITS on reporting.

291. The field 'Collateralisation' should be populated based on the agreement and not on the actual collateral exchanged, i.e. if the agreement considers for a two-way initial margin and variation margin, the field should be populated with 'FLCL' even though the current situation might be that no initial margin nor variation margin is exchanged.

292. The table below shows different scenarios of collateralisation and how they should be reported using the categories.

TABLE 18 - COLLATERALISATION CATEGORIES

Nr.	Scenarios				Reporting of 'Collateralisation'	
	Collateral to be posted (acc. to the agreement)					
	CP A		CP B		CP A report	CP B report
	IM	VM	IM	VM		
1	-	-	-	-	UNCL	UNCL
2	-	Y	-	-	PRC1	PRC2
3	-	-	-	Y	PRC2	PRC1
4	-	Y	-	Y	PRCL	PRCL
5	Y	Y	-	-	OWC1	OWC2
6	-	-	Y	Y	OWC2	OWC1
7	Y	Y	-	Y	OWP1	OWP2
8	-	Y	Y	Y	OWP2	OWP1
9	Y	Y	Y	Y	FLCL	FLCL

*UNCL – uncollateralised, PRC1 – Partially collateralised: Counterparty 1, PRC2 - Partially collateralised: Counterparty 2, PRCL - Partially collateralised, OWC1 - One-way collateralised: Counterparty 1 only, OWC2 - One-way collateralised: Counterparty 2 only, OWP1 – One-way/partially collateralised: Counterparty 1, OWP2 – One-way/partially collateralised: Counterparty 2, FLCL – Fully collateralised

293. As specified in Article 4.2 of the RTS on reporting, collateral can be reported on a portfolio basis. This means the reporting of each single executed derivative should not include all the fields related to collateral, to the extent that each single derivative is assigned to a specific portfolio and the relevant information on the portfolio is reported on a daily basis (end-of-day).

294. The reporting counterparties, regardless of their need to report collateral, would need to submit at least one margin report (field 3.28 ‘Action type’ populated with ‘New’), even to advise that the derivative contract is uncollateralised. Should ’UNCL’ be the latest value submitted, no further margin update is expected. For details regarding the generation of the missing margin information report please see the section 7.3.2.

295. It is not necessary to report margins on the last day of a derivative. In particular, it is not necessary to report margins for intraday derivatives (i.e. derivatives that are concluded and terminated on the same day).

296. When the Settle-to-Market model applies the mark to market exposure is settled and reset to zero on a daily basis and the variation margin is paid without a possibility to return. In that case, it is permissible to report zero variation margin. Post-haircut values of margins depend on associated risk of changes in collateral value and therefore on the nature of the collateral posted (or collected). In addition, frequent cash settlement of margin may effectively mitigate this risk completely. Pre- and post-haircut values need to be reported both. If the risk is mitigated completely however, the same values are expected for pre- and post-haircut values.

297. There is only one collateral currency field associated with a collateral type on a report by a counterparty. Therefore, all collateral for a single portfolio collateral type should be reported in one single currency value for the corresponding collateral type. The reporting counterparty should report the currency that has been contractually agreed between the counterparties. If the currency has not been contractually agreed, the reporting counterparty is free to decide which currency should be used as base currency as long as the base currency chosen is one of the major currencies which represents the greatest weight in the pool and is used consistently for the purpose of collateral reporting for a given portfolio.

298. Non-cash collateral should be reported as its current cash equivalent as evaluated at the moment of posting/collecting the collateral.

299. The collateral reported should be just the collateral that covers the exposure related to the reports made under EMIR. If it is impossible to distinguish within a pool of collateral the amount which relates to derivatives reportable under EMIR from the amount which relates to other transactions the collateral reported can be the actual collateral posted covering a wider set of transactions.

300. The meaning of "it is impossible to distinguish" should be referred to the framework adopted by the reporting counterparties for the calculation of margins (and not just to the use of a common margin account). More in particular, NCAs would expect the following approach:

a. if the margin model adopted by the reporting counterparty provides for offsetting of risks between derivatives reportable under EMIR and transactions that are not reportable under EMIR, then the reporting of common collateral amount should be allowed;

b. if margins related to derivatives reportable under EMIR and margins related to transactions that are not reportable under EMIR are just collected (and held) together in a common collateral account, but are calculated separately, then only the collateral amount related to EMIR derivatives should be reported.

301. The collateral should be reported as the total market value that has been posted or collected by the counterparty responsible for the report. The fact that certain types of collateral might take a couple of days to reach the other counterparty should be ignored. Therefore, margin updates should be reported when they become effective, i.e. on the expected settlement date and they should include any margin that is in transit and pending settlement, without considering temporary settlement failures.

302. Although margins data are not reconcilable fields, margins reported by the counterparties should be consistent.

303. The RTS on reporting specifies that where the collateral related to a contract is reported on a portfolio basis, the reporting counterparty should report to the trade repository a code identifying the portfolio related to the reported contract. This field should only be populated if the field 'Collateral portfolio indicator' has the value 'Y'. It is up to the reporting counterparty to determine what unique value to populate in the field 'Collateral portfolio code'. Therefore, different counterparties to a derivative contract can use different collateral portfolio codes.

304. The ITS on reporting specifies that the field 3.27 'Collateral portfolio code' can have up to 52 alphanumerical characters and that special characters are not allowed. Therefore, a collateral portfolio code that is less than 52 characters in length is permissible provided that it meets the other criteria laid out here.

305. It is permissible to use a value in this field that is supplied by the CCP, but this is not required and other values could be used.

306. However, NCAs would expect that portfolios reported by the two counterparties, irrespective of the codes, cover the same collateral.

307. Excess collateral should capture only additional collateral that is posted or received separately and independently from the initial and variation margin. If counterparties decide to post more collateral than required and this additional collateral is not posted separately and independently of variation margin and initial margin, both counterparties need to include this in the initial and or variation margin reported.

308. Even though in certain circumstances no collateral is exchanged, for example because of the existence of an agreed "Minimum Transfer Amount" (MTA), other collateral transfer agreement or thresholds between the parties, counterparties should report unchanged margin amount from the previous day. It could occur that in the first day a derivative is concluded, variation margins may be zero. Therefore, in this specific case, if the following days an MTA or other thresholds agreed

between the parties are not reached, variation margins should be reported as of the previous day, i.e variation margins fields should be populated with zero.

309. In some circumstances derivatives are exempted from collateral exchange under EMIR, most notably (1) where an NFC- is counterparty in a derivative, (2) where a counterparty pair benefits from an intragroup exemption from collateral exchange or (3) for certain derivatives as per RTS 2016/2251 such as (i) physically settled foreign exchange forwards and swaps and (ii) single-stock equity options / index options under transitional provision until 4 January 2024. In these cases, although counterparties are not required to exchange collateral, the counterparties are still allowed to have a collateral agreement in place and should report accordingly to the applicable collateral agreement (i.e. 'UNCL' only if no collateral agreement is in place and no collateral is exchanged).In addition, the counterparties that are required to report collateral (i.e. CCPs, FCs and NFC+) are expected to report the actual amount of collateral that is exchanged. Where a counterparty pair benefits from an intragroup exemption from reporting, the counterparties should report neither the derivatives nor the collateral.

310. Either variation margin posted or collected should be reported, not both. Please refer to the example provided in the table and the explaining text below the table.

311. Generally, counterparties and CCPs are required to report the total value of contract and the margins. Under the STM model, under which the variation margins are settled on a daily basis, the counterparties and CCPs should report the daily change in the value of the variation margin.

312. The margin reporting requirements apply to CCP's as well as other reporting counterparties. To ensure consistency, clearing members can follow CCP reported margins.

TABLE 19 REPORTING OF MARGINS

Date	CP 1	CP 2	IM posted pre-haircut	VM posted pre-haircut	IM posted post-haircut	VM posted post-haircut	IM received pre-haircut	VM received pre-haircut	IM received post-haircut	VM received post-haircut	Le-vel
Day 1	A	B						10.000.000		5.000.000	P
Day 1	B	A		10.000.000		5.000.000					P
Day 2	A	B						10.000.000		5.000.000	P
Day 2	B	A		10.000.000		5.000.000					P
Day 3	A	B						8.000.000		4.000.000	P
Day 3	B	A		8.000.000		4.000.000					P

Day 4	A	B						13.000.000		6.500.000	P
Day 4	B	A		13.000.000		6.500.000					P
Day 5	A	B		7.000.000		3.500.000					P
Day 5	B	A						7.000.000		3.500.000	P
Day 6	A	B		2.000.000		1.000.000					P
Day 6	B	A						2.000.000		1.000.000	P
Day 7	A	B		0		0					P
Day 7	B	A						0		0	P

313. A “VM requirement” is determined as the amount of margins owed by the counterparty “in debt” in order to cover its exposure against the counterparty “in credit” at the time of the valuation of the contract.

314. Moreover, it is assumed that:

a. A 50% haircut is applied to the collateral exchanged between the counterparties.

b. The counterparty “in debt” must post to the counterparty “in credit” an amount of collateral whose post-haircut value is equal to the “VM requirement”.

c. A Minimum Transfer Amount (MTA) of 500,000 is assumed to be in place as threshold for collateral transfer.

d. If the difference between the “VM requirement” and the collateral posted (VM post-haircut) is below the MTA, no collateral is exchanged between the counterparties.

e. If the difference between the “VM requirement” and the collateral posted (VM post-haircut) exceeds the MTA, an exchange of collateral occurs between the counterparties.

Day 1: Due to valuation of the contract, a VM requirement of 5 million must be posted from B to A.

B posts an amount of collateral whose post-haircut value is equal to 5 million (VM posted/received post haircut = 5 million; VM received/posted pre-haircut = 10 million).

Day 2: The valuation of the contract results in a reduction of the VM requirement owed by B from 5 million to 4.9 million.

Given that the amount A would have to return to B (to align the collateral posted by B with the VM request) is below the MTA (5 million – 4.9 million = 100.000 < MTA = 500.000), no exchange of margins occurs.

The Variation Margins reported are the same as of Day 1

Day 3: The valuation of the contract results in a further reduction of the VM requirement owed by B from 4.9 million to 4 million.

The difference between the updated value of the "VM requirement" and the collateral posted is equal to 1 million (900.000 from day 3 + 100.000 from day 2).

Given that such difference exceeds the MTA, the transfer of collateral takes place: A returns to B a quantity of collateral whose post-haircut value is 1 million.

The updated values of VMs are reported accordingly (VM received/posted post-haircut = 4 million; VM posted/received pre-haircut = 8 million).

Day 4: The valuation of the contract results in an increase of the VM requirement owed by B from 4 million to 6.5 million.

Given that such a difference exceeds the MTA, the transfer of collateral takes place: B posts additional collateral to A in order to match the new VM requirement.

The updated values of VMs posted/received are reported accordingly (VM received/posted post-haircut value = 6.5 million; VM posted/received pre-haircut value = 13 million)

Day 5: The valuation of the contract results in a change of the direction of the exposure: the contract turns negative for A, which must cover a VM requirement equal to 3.5 million.

Therefore, A returns to B the full amount of collateral previously posted by B. In turn A posts to B additional collateral whose post-haircut value is 3.5 million. Given that such difference exceeds the MTA, the transfer of collateral takes place.

The updated values of VMs are reported accordingly: A becomes the counterparty posting collateral (VM posted post-haircut = 3.5 million; VM posted pre-haircut value = 7 million) and B becomes the counterparty receiving the collateral (VM received post-haircut = 3.5 million; VM received pre-haircut = 7 million)

Day 6: A reduces its exposure to B by partially selling the contract. Consequently, the valuation of the contract results in a reduction of the VM requirement owed by A from 3.5 million to 1 million.

The updated values of VMs are reported accordingly (VM posted/received post-haircut = 1 million; VM received/posted pre-haircut = 2 million)

Day 7: A and B netted the position to zero and therefore exchange all outstanding margins, reporting zero in the VM fields. If the counterparties closed the position, they would not need to report margins on the last day of the derivative.

315. Regarding the reporting of value of the collateral for ETDs, in the particular case when the investment firm is not involved in the process of collecting and/or posting any collateral for the client because of the direct arrangements between the client and the clearing member, the investment firm is not expected to submit any report on the value of the collateral, or on any subsequent modification as well as termination of the concluded derivative contract.

4.20 Identification of the trading venue

316. Field 2.41 'Venue of execution' should be used to report the venue where the derivative was executed, notwithstanding the qualification of the transaction as ETD or OTC.

317. Where a derivative was concluded OTC and the respective instrument is not admitted to trading or traded on a trading venue and no request for admission has been made, MIC code 'XXXX' should be used.

318. Where a derivative was concluded OTC and the respective instrument is admitted to trading or traded on a trading venue or a request for admission was made, MIC code 'XOFF' should be used.

319. The 'BILT' value proposed in the CDE guidance should be used when the reporting counterparty cannot determine whether the instrument is listed or not, as per jurisdictional requirements. Nevertheless, this situation should not arise in the EU since all instruments admitted to trading or traded on a trading venue are made publicly available in the Financial Instruments Reference Data System (FIRDS) on ESMA's website [40], therefore the counterparties are expected to be able to determine whether they should report 'XOFF' or 'XXXX' and the value 'BILT' is not allowed in the reporting under EMIR.

320. For derivatives contracts traded on regulated markets or third country trading venues considered as equivalent to a regulated market, the segment MIC Code will be required (or alternatively the operating MIC in case the segment MIC code does not exist).

321. For derivatives contracts traded on MTFs, OTFs, SIs and organized trading platforms outside of the Union, the segment MIC code will be required (or alternatively the operating MIC in case the segment MIC code does not exist), even if the derivatives concluded on these venues are OTC derivatives under the definition set out in EMIR.

322. Transactions executed on or pursuant to the rules of venues should be considered as on venue trading for RMs or third country venues considered as equivalent, MTFs, OTFs, SIs and organized trading platforms outside of the Union.

[40] https://registers.esma.europa.eu/publication/searchRegister?core=esma_registers_firds

For example, transactions such as bilaterally negotiated or pre-arranged transactions formalised pursuant to the rules of a venue, should be reported with the relevant platform identifier.

323. MIC codes are defined by ISO 10383. This standard identifies two sorts of MIC code: 'MIC' and 'operating MIC', also known as 'segment MIC' and 'organisation MIC' respectively. For EMIR reports, RMs, MTFs, OTFs and SIs should be identified by the relevant MIC code as defined in the ESMA Register at http://registers.esma.europa.eu/publication (segment MIC code). The other venues should be identified using the segment MICs (or alternatively the operating MIC in case the segment MIC code does not exist).

324. In the case where two SIs face each other, those two counterparties should determine which of them is acting in the SI capacity for the given transaction and report the MIC code of that counterparty as the identifier of the venue.

325. ESMA recalls that derivatives executed on UK regulated markets before Brexit would be considered ETD. However, derivatives executed on UK regulated markets after Brexit would be considered OTC. The field 'Venue of execution' would still be identified with the corresponding MIC code. However, such transactions are to be declared as OTC and other fields like the field 'Intragroup' and field 'Clearing obligation' are required.

4.21 Fields related to clearing

326. With respect to the field 'Cleared', under the ITS on reporting only two statuses are allowed, namely cleared ('Y) and non-cleared ('N').

327. In some markets a CCP extends an "open offer" to act as counterparty to market participants and is interposed between participants at the time trades are executed (open offer model). In other markets, the participants themselves initially are the counterparties. Subsequently the trades may be submitted to a CCP, which is substituted as the seller to the buyer and the buyer to the seller (novation clearing model).

328. Article 2 of the RTS on reporting prescribes that where a derivative contract whose details have already been reported pursuant to Article 9 EMIR is subsequently cleared by a CCP, that contract should be reported as terminated using the action type 'Terminate'. The new contracts resulting from clearing should be reported with action type 'New'.

329. The same Article also provides that where a contract is both concluded on a trading venue and cleared on the same day by a CCP, only the contracts resulting from clearing should be reported (novation clearing model). If the clearing does not occur on same day, the reporting process set in previous paragraph should be applied.

330. With regard to derivatives executed on third country venues and cleared by a CCP on the same day, Article 2(2) from the RTS on reporting specifies that where a derivative is both concluded on a trading venue or on an organised trading platform located outside of the Union and cleared by a CCP on the same day, only

the derivatives resulting from clearing should be reported. These derivatives should be reported by specifying in fields ‘Action type’ and ‘Event type’ either the action type ‘New’ and event type ‘Clearing’, or the action type ‘Position component’ , in accordance with Article 3(2).

331. Execution timestamp for cleared trades should correspond to the time of execution on the venue of execution. The clearing timestamp should be reported as the time at which the CCP has legally taken on the clearing of the trade. For markets where clearing takes place using the open offer model, execution timestamp and clearing timestamp are expected to be the same. For markets where clearing takes place using novation, these two timestamps may be different.

332. The field ‘Clearing obligation’ is not applicable to the derivatives executed on a regulated market or a third-country equivalent market and it should be left blank. In the case of cleared trades, this field should be populated with ‘UKWN’ and the field ‘Cleared’ with ‘Y’.

333. The field ‘Central counterparty’ should only be populated with the identifier of a CCP, i.e. a central counterparty which meets the definition of Article 2(1) of EMIR. Therefore, when a derivative contract is cleared by an entity which is not a CCP within the meaning of EMIR, the clearing house should not be identified in the field ‘Central counterparty’.

334. When a derivative is executed in an anonymised market and cleared by a clearing house, the counterparty executing the derivative should request the trading venue or the clearing house that matches the counterparties to disclose the identity of the other counterparty before the reporting deadline.

4.22 Fields related to confirmation

335. Date and time of confirmation, as determined pursuant to Article 12 of the RTS on clearing arrangements constitute the ‘Confirmation timestamp‘ that should be reported in the field 2.28, confirmation means should be reported in the field 2.29 ’Confirmed’.

336. The timely confirmation requirement applies only to non-cleared OTC contracts (confirmation timestamp and confirmation means should not be reported for ETDs nor for cleared OTC derivatives). It applies wherever a new derivative contract is concluded, including as a result of novation and portfolio compression of previously concluded contracts. The requirement does not apply to terminations provided that the termination removes all residual obligations in respect of that derivative. The fields ’Confirmed’ and ’Confirmation timestamp’ should be updated and reported accordingly to the extent that they are required for a given trade.

337. For the field ’Confirmed’, the value ‘NCNF’ (unconfirmed) should be used when the derivative has to be confirmed by the counterparties but has not been confirmed yet.

338. In other cases, the counterparties should report the ‘ECNF’ or ‘YCNF’ value for this field depending on the confirmation means used (electronic or non-electronic)

and the field ’Confirmation timestamp‘ should be populated. If the value ‘NCNF’ is used, the field ’Confirmation timestamp‘ should be left blank.

339. In the case of trades executed on third-country venues that are not equivalent to regulated market, those trades are considered OTC under certain provisions of EMIR. This means that fields ’Confirmation timestamp’ and ’Confirmed’ have to be reported to the extent that these trades are not cleared. In the case of derivatives concluded on venue (not cleared) for which the trading supposes the acceptance of transaction terms between parties, if the OTC derivative is automatically documented and agreed upon, it should be regarded as electronically confirmed (field ’Confirmed’ populated with ’ECNF’). On the contrary, if the OTC derivative needs further documentation to be agreed upon, it should be regarded as non-confirmed (field ’Confirmed’ populated with ‘NCNF‘).

4.23 Fields related to settlement

340. The ‘Settlement currency‘ field should be populated for all single currency cash-settled derivatives, as well as those with a specific FX component. The field should not be populated in the case of a physically settled derivative. The ’Settlement currency‘ field should be specified for each leg of the multicurrency products.

341. An example on the way to report the settlement currency for the two legs of an FX swap has been included in the section 5.4.

342. Counterparties should report the valid currencies as per ISO 4217 standard. Currencies which are not covered by ISO standard won't be accepted, therefore the counterparties should report the relevant values in the respective onshore currencies recognized in the ISO standard.

4.24 Reporting of regular payments

343. Counterparties should report only those fields related to data elements of regular payments that are applicable to a given derivative. Therefore, taking into consideration the contract type, the report will contain information on dedicated fields specific for each fixed or floating leg of a derivative. The same rule applies to the data elements describing the reset frequency and reference period of the floating rates.

344. For each leg of a derivative with periodic payments, the fixed rate has to be reported, where applicable, by specifying positive or negative values expressed as percentages (e.g. 2.57 instead of 2.57%).

345. In the case of floating legs, the periodic payments are calculated based on an underlying reference rate on predefined dates. Floating rates should be identified, where available, with an ISIN and/or with a 4-letter standardized code, explicitly included in the ITS on reporting.

346. Furthermore, the floating rates should be always identified by using the official name of the rate as assigned by the index provider.

347. There are no expectations to transform the value of the payment frequency period into another payment frequency period. For example, in the case of yearly payments, counterparties should report a payment frequency of 1 year, rather than 12 months or 365 days.

4.25 Reporting of other payments

348. The option premium payment is not included as another payment type, as premiums for option are reported using the option premium dedicated data element.

349. Novation fees are not included in the RTS on reporting as derivatives-related cash flows between entities that are not regularly scheduled. Therefore, novation fees are also not reportable as other payments.

350. The allowable values for other payment types are:

a. UFRO = Upfront payment, i.e. the initial payment made by one of the counterparties either to bring a transaction to fair value or for any other reason that may be the cause of an off-market transaction;

b. UWIN = Unwind or Full termination, i.e the final settlement payment made when a transaction is unwound prior to its end date; payments that may result due to full termination of derivative transaction(s);

c. PEXH = Principal exchange, i.e. exchange of notional values for cross-currency swaps.

351. The information provided in other payment fields is only to be reported for the reportable event to which the payment relates and once the payment details have been reported, the values should not persist in the reports of all subsequent events reported by the counterparty for that trade.

352. Therefore, if a derivative involves both upfront and unwind payment, the counterparty should report the sequence of payments in subsequent reports, as follows:

Table 20

Action type	Event type	Other payment type
New	Trade	UFRO
Terminate	Early termination	UWIN

353. Data elements pertaining to the ’other payments‘ can be reported multiple times, for multiple payments.

354. In the case of the exchange of notional values for cross-currency swaps, the information related to the payments should be reported at the same time as the derivative contract is reported for the first time, through the ‘NEWT’ report.

4.26 Dates and timestamps fields

Effective date

355. Effective date is the date at which obligations under the derivative come into effect, as included in the confirmation. If the counterparties did not specify the effective date as part of the terms of the contract, field 'Effective date' should be populated with the date of execution of the derivative.

356. This also applies to cash-settled commodity derivatives as well as in the case of novations.

357. Execution timestamp should reflect the date and time when the derivative was originally executed. It should therefore not be changed when counterparties report lifecycle events (e.g. partial termination) for a given derivative.

Expiration date / early termination date

358. The expiration date is the unadjusted date at which obligations under the derivative stop being effective, as included in the confirmation. Early termination does not affect this data element. The expiration date can be used to determine whether the trade is outstanding or not. The content of this field in case of non-confirmed trades should be as specified in the contract between the counterparties.

359. This applies to both OTC and ETD derivatives.

360. Under Article 9 of EMIR there is a duty to report the termination. However, where termination takes place in accordance with the original terms of the contract, it can be assumed that such a termination was originally reported, provided that the expiration date has been duly reported. Therefore, only terminations that take place at a different date should be reported.

361. The definition of field 2.44 'Expiration date' in the RTS on reporting specifies that early terminations of a derivative are not reflected in this field. Accordingly, when an opening of a new contract occurs, the 'Expiration date' field represents the original date of expiry of the reported contract. However, when the maturity date of an existing contract is subject to changes which are already foreseen in the original contract specifications, counterparties send a modification report to the initial entry, modifying the 'Expiration date' field accordingly to reflect the updated expiration date.

362. The counterparties should report the unadjusted expiration date, as agreed in the contract, even if it falls on a weekend or a bank holiday.

363. The below example clarifies how to populate field 'Expiration date' for an OTC Fixed for Floating derivative on natural gas with following characteristics:

a. Trade date: 25-Aug-2017Commodity: Natural Gas

b. Effective date: 01-Nov-2017

c. Termination date: 31-Mar-2018

d. Payment dates: Ten business days after the end of each calculation period subject to

e. adjustment in accordance with the Modified Following Business Day Convention.

The correct expiration date would be 31/03/2018 as this is the agreed termination date.

364. The following paragraphs clarify how a 'working day' should be understood for the purpose of determining the deadline for reporting.

365. Counterparties should follow their local time to determine the day on which the derivative was concluded, modified or terminated. The deadline for reporting is the end of the working day following that day. The determination of the deadline for reporting in the local time does not affect the way in which the relevant dates and times (such as execution timestamp) are reported to the TRs. The time convention for reporting is defined in the ITS on reporting.

366. The counterparties should follow the relevant calendar of their Member State to determine whether a given day is a working day or holiday.

367. This guidance applies also when the two counterparties to the same derivative follow different calendars and/or are located in different timezones, meaning that each counterparty should follow its own local calendar and use the local time to determine the deadline for reporting.

4.27 Reporting of derivatives on crypto-assets

368. Having taken into consideration the ongoing developments in regulation that are currently being discussed about the crypto-assets, the RTS on reporting do not stipulate any detailed requirements with regard to the reporting of derivatives based on them. Notwithstanding, ESMA has decided to include in the RTS on reporting an additional field named 'Derivative based on crypto-assets' in which counterparties would be expected to indicate whether a given derivative is based on a crypto-asset or not. The field is a simple indicator populated with a boolean value. This will allow to assess the trading volumes and outstanding risk in this type of instruments as well as to analyse how these instruments are currently reported.

369. Only derivatives on crypto-assets that fulfil the definition of derivatives under MiFID are expected to be reported (in line with the general scope of reporting under EMIR).

370. The currency fields in EMIR reporting only allow to be populated with currencies listed on ISO 4217 Currency Codes. Therefore these fields currently should not be populated with codes relating to crypto-assets that are commonly denominated "crypto-currencies".

371. ESMA may develop further guidance on such derivatives based on crypto-assets once the relevant regulations have been approved.

4.28 Reporting of complex products

372. In accordance with the CPMI-IOSCO CDE Guidance the RTS on reporting introduced new package-related fields. This includes field 2.6 'Package identifier', which should, on the one hand, be used by reporting counterparties or entities responsible for reporting as a unique link between reports belonging to the same derivative contract, where the table of fields does not allow to submit the details in only one report and, on the other hand, where the package transaction is composed of a combination of derivative contracts that are negotiated together as the product of a single economic agreement (see also recital 3 and 4 of the RTS on reporting).

373. While there is a requirement for both counterparties to agree on the number of reports to be submitted for a given contract or package transaction and on the UTI's assigned to those reports, there is no need to agree on the identifier between the two counterparties. The 'Package identifier' will be unique for a set of reports belonging together and assigned by each reporting counterparty or entity responsible for reporting on their own. For this reason there is no need to consume a package identifier from trading venues or the other counterparty.

374. Table 21 illustrates the reporting of UTIs and package identifiers in the case of package transactions:

Table 21				
	Report #1 CP 1	Report #2 CP 1	Report #1 CP 2	Report #2 CP 2
Counterparty 1	LEI of CP 1	LEI of CP 1	LEI of CP 2	LEI of CP 2
Counterparty 2	LEI of CP 2	LEI of CP 2	LEI of CP 1	LEI of CP 1
UTI	1234	ABCD	1234	ABCD
Package ID	PCK1	PCK1	Package987	Package987

375. In the case a package transaction includes reportable and non-reportable contracts, only the contracts that are in scope of Article 9 of EMIR need to be reported. For example a combination of an FX Spot contract and FX Forward (which is not executed as an FX swap), only the FX Forward would be in scope of Article 9 of EMIR and therefore reportable. Nevertheless the fields related to the entire package (e.g. 'Package transaction price') need to be populated to provide regulators a holistic view on the package transaction executed.

376. If a derivative contract ceases to exist, but gives birth to another derivative contract, which is materially different (e.g. an option on a future), those two contracts should be considered individually and not be reported as a package transaction, thus no package identifier should be used to link those reports in such

circumstance, while at the same time the field 'Prior UTI' would be relevant and would need to be reported.

377. The reporting field 2.53 'Package transaction price' and field 2.54 'Package transaction price currency' should be populated with the relevant price and currency for the entire package transaction rather than the price and currency of the individual components. If the individual components have individual prices and currencies those should be populated in the relevant report in field 2.28 'Price' and field 2.29 'Price currency' in addition to the population of the field 'Package transaction price'.

Table 22				
	Report #1 CP 1	**Report #2 CP 1**	**Report #1 CP 2**	**Report #2 CP 2**
Counterparty 1	LEI of CP 1	LEI of CP 1	LEI of CP 2	LEI of CP 2
Counterparty 2	LEI of CP 2	LEI of CP 2	LEI of CP 1	LEI of CP 1
UTI	1234	ABCD	1234	ABCD
Package ID	PCK1	PCK1	Package987	Package987
Price	10.23	210.75	10.23	210.75
Price currency	EUR	EUR	EUR	EUR
Package transaction price	220.98	220.98	220.98	220.98
Package transaction price currency	EUR	EUR	EUR	EUR

378. There can be instances where a price for the package transaction becomes available only after the reporting deadline (T+1). If such instance occurs the package transaction price should be reported with the defined default value, as specified in the validation rules, and should be updated accordingly once it becomes available by using 'MODI' in field 2.151 'Action type'. ~~Until~~

379. In the case that the price for an entire package transaction is expressed as a spread, i.e. the difference between two reference prices, such spread should be populated in field 2.112 'Package transaction spread' together with field 2.113 'Package transaction spread currency'. If such spread is not known at the point in

time of conclusion of the package transaction it should be reported with the default specified in the validation rules and be updated later when it becomes known. Again this update should be sent by using 'MODI in field 2.151 'Action type'.

4.29 Ensuring data quality by counterparties

380. According to the Article 9(1e) of EMIR, counterparties and CCPs should report correctly and without duplication. Quality of data reported by counterparties is a key aspect to ensure wide usability and quality of data analytical results. Further requirements for ensuring the data quality on the counterparty side are set out in Article 9 of the ITS on reporting and Article 1 and 3 of the RTS on data quality.

381. To ensure compliance with the requirement to report correctly, to ensure the consistency of data, as well as to achieve the reduction of reporting burden and alignment of incentives with the entity's own priorities, counterparties should use the regulatory data for their own internal risk and compliance management processes.

382. Apart from implementing a common set of validation rules providing an immediate response on the quality of data at the point of data submission, TRs should implement a reconciliation process consisting in paring and matching of the reports pertaining to both sides of the derivative to compare the content of the reports and flag the inconsistencies indicating misreporting by at least one of the counterparties. TRs should provide detailed information on rejections and reconciliation to the relevant participants and users of the TR and also to NCAs. Reporting counterparties, report submitting entities and entities responsible for reporting, as applicable, should investigate the data quality issues flagged by reports' rejections and unsuccessful reconciliation, and ensure data correction. The ITS on reporting also specifically requires the entities responsible for reporting and the report submitting entities, as applicable, to have in place arrangements which ensure that the feedback on the reconciliation failures provided by the TRs is taken into account.

383. With regards to historical records the counterparties and ERRs are expected to back report all identified omitted data and correct all data misreported to the TRs.

384. To complement the rejection and reconciliation statistics provided by the TRs to NCAs, the entity responsible for reporting should promptly (as soon as it becomes aware of them) notify its competent authority and, if different, also the competent authority of the reporting counterparty of any of the following instances:

a. any misreporting caused by flaws in the reporting systems that would affect a significant number of reports,

b. any reporting obstacle preventing the report submitting entity from sending reports to a Trade Repository within the deadline set out in the Article 9 of EMIR,

c. any significant issue resulting in reporting errors that would not cause rejection by a trade repository in accordance with the RTS on data quality.

385. The notification should indicate at least the basic information on and identification of the notification, ERR and RSE(s), the scope of the affected reports, the type of the errors or omissions, the reasons for the errors or omissions, steps taken or planned to resolve the issue, the date of the occurrence, and the timeline for resolution of the issue and data submission or correction. The entity responsible for reporting should provide the notification in a common template published on ESMA website.

386. Each identified data quality issue should be provided within a separate notification, unless several data quality issues are identified where these issues are closely related, e.g. induced by a common cause, with coinciding resolution timelines or common bug-fixes, or otherwise interlinked and impossible to separate into individual notifications. In such case it is possible to provide single notification for all these related data quality issues.

387. The assessment of significance should be performed as soon as the scope of the misreporting is identified and the number of records affected by the reporting issue is determined. The notification to NCAs should be sent without undue delay after the assessment is concluded and all the relevant information is gathered. If after the first assessment more affected records are identified, another assessment should be performed and the NCAs should be notified with an update. Since the assessment will be mostly executed on an ad-hoc basis, ESMA does not expect the ERRs to provide the notifications to competent authorities on regular basis.

388. ESMA is aware of the need to specify in more detail the key metrics and thresholds to assess the scope of notifications, as well as the need to carefully calibrate the proposal. The need for clarification pertains particularly to the “significant number of reports” under point a. and “significant issue” under point c. above. ESMA provides below examples of relevant scenarios and clarifies the metrics for assessing the scope of notifications.

389. Under Article 9(1)(a) of the ITS on reporting any misreporting caused by flaws in the reporting systems that would affect a significant number of reports should be notified. The requirement pertains to any flaw in the reporting systems on either ERR or RSE side, or at any other third-party reporting system if outsourcing is utilized. This scenario includes for example cases of technical problems excluding a large percentage of records from submission, systematic omission of certain fields in the reports, systematic reporting of incorrect or abnormal values in the reports (e.g. system errors in orders of numerical fields). Since the requirement to notify the authorities pertains to the ERR, RSE or any other third party involved in reporting should inform all the relevant ERRs if they experience system failures or identify any other flaw in their reporting systems. The RSE should send the notification to NCAs only if it is ERR for some or all of the counterparties on whose behalf it reports. Otherwise, if the RSE or any other third party involved in reporting is experiencing data quality issues, it should only inform the relevant ERRs about the details of the issue so that the ERRs are able to perform the assessment of significance of the issue. ERRs and RSEs are expected to have in place sufficient controls at the level of data reporting processes such that any of the above-

mentioned issues are timely identified, reported to authorities and permanently remedied.

390. Significant number of reports should be assessed separately for each of the following categories:

d. Category 1 – reports with action types ‘New’, ‘Modify’, ‘Correct’, ‘Terminate’, ‘Error’, ‘Revive’, ‘Position component’,

e. Category 2 – reports with action type ‘Valuation’,

f. Category 3 – reports with action type ‘Margin update’.

391. If the number of reports affected by the reporting issue is significant in at least one of the categories, the competent authorities should be notified of the reporting issue.

392. Number of reports affected by misreporting is significant if it exceeds the following threshold:

NumOfAffReports / AverageMonthNum > Y% and NumOfAffReports > X

i.e. NumOfAffReports >= Threshold = max {X; Y% of AverageMonthNum},

where X and Y are calibration constants, and AverageMonthNum is the average monthly number of submissions calculated on the day of assessment as

$(NumOfReportsMonth_{-12} + NumOfReportsMonth_{-11} + \ldots + NumOfReportsMonth_{-2} + NumOfReportsMonth_{-1}) / 12 = NumOfReportsLast12Months / 12$

using the actual numbers of reports submitted during the last 12 months.

393. To take into account how significant the ERR or RSE is, ESMA intends to specify the buckets and corresponding calibration constants on the basis of average number of submitted reports as shown in the example in the .

394. The assessment of significance should be performed at ERR level or at RSE level if applicable. The RSE should perform the assessment only if it is ERR for some or all of the counterparties on whose behalf it reports. It is not deemed necessary to calculate the average number of submissions separately for each counterparty, if the ERR or RSE report on behalf of multiple counterparties. As ESMA’s intention is that systematic issues are captured, even if for a single counterparty a threshold is exceeded, the overall picture at the RSE should be considered. Following scenarios aim at facilitating the understanding.

395. Let’s consider the following buckets and thresholds:

TABLE 23

	Average monthly number of submissions (AverageMonthNum)		
	0<=A<100 000	100 000<=A<1 000 000	1 000 000<=A
X	100	20000	150000
Y %	20%	15%	10%

Scenario A: Three counterparties rely on the same Report Submitting Entity to submit the reports. RSE is below the thresholds, one counterparty is exceeding the threshold.

TABLE 24					
	Monthly average	Affected reports	X	Y	Thresholds exceeded
Cpt 1	1000	10	10 < 100	1% < 20%	No
Cpt 2	1000	250	250 > 100	25% > 20%	Yes
Cpt 3	500	10	10 < 100	2% < 20%	No
Total RSE	**2 500**	**270**	**270 > 100**	**11% < 20%**	**No**

Even though for counterparty 2, the thresholds are exceeded, the calculation at the level of the RSE is below the thresholds and therefore there is no need for the RSE to notify the relevant NCAs. However, if the RSE is not ERR for all the affected counterparties, it should duly inform all the ERRs of those counterparties about the reporting issue, so that they can assess their overall situation and notify their NCAs if crossing the thresholds.

Scenario B: Three counterparties rely on the same Report Submitting Entity to submit the reports. RSE is above the threshold, two counterparties are below the threshold. RSE is ERR only for Cpt 2.

TABLE 25					
	Monthly average	Affected reports	X	Y	Threshold exceeded
Cpt 1	1000	180	180 > 100	18% < 20%	No
Cpt 2	1000	800	800 > 100	80% > 20%	Yes
Cpt 3	500	10	10 < 100	2% < 20%	No
Total RSE	**2 500**	**990**	**990 > 100**	**40% > 20%**	**Yes**

RSE has a significant issue, but Cpt 1 and Cpt 3 are only slightly affected. In this case the notification to NCAs should include details, such as number of affected reports, which only relate to Cpt 2.

Similarly to the previous scenario, if the RSE is not ERR for all the affected counterparties, it should duly inform all the ERRs of those counterparties (in this scenario Cpt 1 and Cpt 3) about the reporting issue, so that they can assess their overall situation and notify their NCAs if crossing the thresholds.

Scenario C: A counterparty (ERR) is delegating reporting to 2 RSEs and partially reports by itself. At counterparty level, only a subset of reports is affected by the reporting issue at an RSE.

TABLE 26

	Monthly average	Affected reports affected by an issue	X	Y	Thresholds exceeded
Cpt	1000	0	0 < 100	0% < 20%	No
RSE 1	1000	250	250 > 100	25% > 20%	Yes
RSE 2	500	0	0 < 100	0% < 20%	No
Total ERR	**2500**	**250**	**250 > 100**	**10% < 20%**	**No**

RSE1 has potentially a significant issue but on the overall level of the counterparty the issue is not significant. In this case the counterparty is not expected to notify its NCA. Nevertheless, it is not prohibited for RSE 1 to notify the counterparty's NCA if the issue is significant at the level of the RSE 1 and the counterparty relies on the RSE 1 to notify the NCAs.

396. Under Article 9(1)(b) of the ITS on reporting any reporting obstacle preventing the report submitting entity from submitting reports within the reporting deadline should be notified. These cases include primarily system failures but should not be understood as limited only to technical problems, e.g. operational issues (COVID-19), lack of LEI update, impossibility to generate the UTI. To further differentiate from the cases of misreporting and record omission of Article 9(1)(a), ESMA emphasizes that cases under Article 9(1)(b) pertain to complete inability to send any records to the TRs, while data quality issues under Article 9(1)(a) affect only subset of reported records.

397. Under Article 9(1)(c) of the ITS on reporting any significant issue resulting in reporting errors that would not cause rejection by a trade repository should be notified.

398. Significant issue under Article 9(1)(c) of the ITS on reporting should be assessed according to the following non exhaustive list of qualitative criteria:

a. Non-reporting or over-reporting of a derivative due to erroneous assessment of its reportability;

b. Incorrect or inconsistent interpretation of the number of reports to be reported for a specific derivative (e.g. in dispute with the other counterparty);

c. Incorrect or inconsistent interpretation of the content of the fields (e.g. in dispute with the other counterparty);

d. Reporting of non-standard derivatives for which the fields are not fully suited;

e. Errors and omissions that pertain to

i. Incorrect data in the parties identification: fields 1.2 to 1.16, 1.20, 2.33, 2.37;

ii. Incorrect trade details: fields 1.17 to 1.19, 2.1 to 2.12, 2.38 to 2.41;

iii. Incorrect details on underlying: fields 2.13 to 2.18 – in particular when the basket is not complete;

iv. Amounts and currencies in all related fields (notional, valuation, collateral, price, strike …);

v. Dates / timestamps: execution, event confirmation, expiration;

vi. Clearing fields 2.30 to 2.32;

vii. Incorrect report details: fields 2.151, 2.152 and 2.154;

viii. Collateral portfolio code: field 3.9;

ix. Errors in valuation methods resulting in incorrect reporting of valuation.

399. Significant issue under Article 9(1)(c) of the ITS on reporting should be further (accumulatively) assessed according to the quantitative criteria specifying significant number of records affected by the qualitatively significant data quality issue. Scenarios of example above apply analogously for significant issues under Article 9(1)(c) of the ITS on reporting.

400. The entity responsible for reporting should have processes in place to be able at any time to assess the significance of identified cases of misreporting as outlined above and to promptly notify them to the relevant NCAs. Specifically, this includes swift identification of impacted records and their numbers and the computation of relevant metrics to assess whether thresholds have been exceeded or not.

401. Counterparties, ERRs or RSEs will need to submit their notifications to the NCAs in accordance with the procedures adopted by those NCAs in each Member State.

402. Many data quality issues are related to inconsistent interpretation of the rules for reporting of the derivatives. The aim of these Guidelines is to provide in the relevant sections the necessary guidance for the various reporting scenarios and derivative contracts, including detailed illustrative examples.

403. The population of fields that are specified as optional in the validation rules is not left at the discretion of the reporting counterparties. Optional fields should be always populated in all cases where the field is relevant in the given scenario or for the given derivative.

5 Reporting per product type

404. This section includes clarifications and examples illustrating reporting of certain derivative products.

405. The examples are provided in form of tables, where each table shows the reporting fields under the ITS on reporting. The column 'Field' shows each field name, and the column 'Example' provides an example of what would be included in that field. The final column entitled 'XML Message' shows the format of the XML message which should be submitted in the report.

406. Unless otherwise stated in the specific scenario, the following background information applies to all scenarios set out in this section:

Counterparty A is a German financial counterparty identified with LEI 12345678901234500000 Counterparty B is an Italian financial counterparty identified with LEI ABCDEFGHIJKLMNOPQRST Counterparty C is a Spanish NFC- identified with LEI 123456789ABCDEFGHIJK Counterparty D is a French NFC+ identified with LEI 11223344556677889900 Counterparty J acts also as a clearing member and is identified with LEI CCCCCCCCCCCCCCCCCCCC CCP O is identified with LEI BBBBBBBBBB1111111111

5.1 Reporting of IRS

407. When reporting IRS, the counterparties should describe the underlying fixed or floating rates in the dedicated rate fields for leg 1 and leg 2 (fields 2.79-2.110), rather than e.g. providing the floating rate in the underlying index field.

408. There are three distinct fields to describe a floating rate:

a. Identifier (fields 2.83 and 2.99), which should be populated with ISIN,

b. Indicator (fields 2.84 and 2.100) which should be populated with a standardised 4-letter code, and

c. Name (fields 2.85 and 2.101), which should be populated with the full name of the rate.

409. Counterparties should always report ISIN and 4-letter code, to the extent that they are available for a given rate. The name of the rate should be reported in all cases.

Fixed-to-floating IRS

410. A single currency fixed-to-floating 5-year IRS on 3M EURIBOR vs 0.5% (with no additional spread). Counterparties exchange payments each six months and reset frequency is set to annual. The day count convention is Actual/360.

Table 27 – Reporting of a fixed-to-floating IRS			
No	**Field**	**Example**	**XML message**
79	Fixed rate of leg 1 or coupon	0.5	<IntrstRate> <FrstLeg> <Fxd> <Rate> <Rate>0.5</Rate> </Rate> <DayCnt> <Cd>A004</Cd> </DayCnt> <PmtFrqcy> <Term> <Unit>MNTH</Unit> <Val>6</Val> </Term> </PmtFrqcy> </Fxd> </FrstLeg> <ScndLeg> <Fltg> <Id>EU0009652783</Id> <Nm>Euro Interbank Offered Rate</Nm> <Rate> <Cd>EURI</Cd> </Rate> <RefPrd> <Unit>MTH</Unit> <Val>3</Val> </RefPrd> <Sprd> <Pctg>0</Pctg> </Sprd> <DayCnt> <Cd>A004</Cd> </DayCnt> <PmtFrqcy> <Term> <Unit>MNTH</Unit> <Val>6</Val> </Term> </PmtFrqcy> <RstFrqcy> <Term> <Unit>YEAR</Unit> <Val>1</Val> </Term> </RstFrqcy> </Fltg>
80	Fixed rate or coupon day count convention leg 1	A004	
81	Fixed rate or coupon payment frequency period leg 1	MNTH	
82	Fixed rate or coupon payment frequency period multiplier leg 1	6	
99	Identifier of the floating rate of leg 2	EU0009652783	
100	Indicator of the floating rate of leg 2	EURI	
101	Name of the floating rate of leg 2	Euro Interbank Offered Rate	
102	Floating rate day count convention of leg 2	A004	
103	Floating rate payment frequency period of leg 2	MNTH	
104	Floating rate payment frequency period multiplier of leg 2	6	
105	Floating rate reference period of leg 2 – time period	MNTH	
106	Floating rate reference period	3	

Table 27 – Reporting of a fixed-to-floating IRS			
No	**Field**	**Example**	**XML message**
	of leg 2 – multiplier		</ScndLeg> </IntrstRate>
107	Floating rate reset frequency period of leg 2	YEAR	
108	Floating rate reset frequency multiplier of leg 2	1	
109	Spread of leg 2	0	
110	Spread currency of leg 2		

5.2 Reporting of swaptions

411. When reporting swaptions, the counterparties should provide both the fields related to options (fields 2.132-2.142) as well as the fields characterising the underlying swap (fields 2.79-2.110).

412. Exercise of the swaption should be reported with action type 'Terminate' and event type 'Exercise'. The resulting swap should be reported with action type 'New' and event type 'Exercise' as well as with the field 2.3 'Prior UTI' populated.

413. The tables below illustrate how to report an original swaption, exercise of that swaption and the resulting swap.

5.2.1 Swaption on a fixed-to-floating IRS

414. Counterparty enters into an American put option on a fixed-to-floating IRS based on 1D SONIA vs 0.75% (with no additional spread). The premium is 200,000 GBP. If exercised, the reporting counterparty will pay fixed rate and the counterparties will exchange payments each 3 months and reset frequency is set to annual. The day count convention is Actual/Actual ISDA.

Table 28 – Reporting of a swaption on a fixed-to-floating IRS			
No	**Field**	**Example**	**XML message**
1	UTI	AAAAABBBBBCCCCCDDDDD12345	<Rpt><New><CmonTradData> <TxData> <TxId> <UnqTxIdr> AAAAABBBBBCCCCCDDDDD12345 </UnqTxIdr> </TxId>
79	Fixed rate of leg 1 or coupon	0.75	

Table 28 – Reporting of a swaption on a fixed-to-floating IRS			
No	**Field**	**Example**	**XML message**
80	Fixed rate or coupon day count convention leg 1	A008	… <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … <IntrstRate> <FrstLeg> <Fxd> <Rate> <Rate>0.75</Rate> </Rate> <DayCnt> <Cd>A008</Cd> </DayCnt> <PmtFrqcy> <Term> <Unit>MNTH</Unit> <Val>3</Val> </Term> </PmtFrqcy> </Fxd> </FrstLeg> <ScndLeg> <Fltg> <Id>GB00B56Z6W79</Id> <Nm>Sterling Overnight Index Average</Nm> <Rate> <Cd>SONA</Cd> </Rate> <RefPrd> <Unit>DAIL</Unit> <Val>1</Val> </RefPrd> <Sprd> <Pctg>0</Pctg> </Sprd> <DayCnt> <Cd>A008</Cd> </DayCnt> <PmtFrqcy> <Term> <Unit>MNTH</Unit> <Val>3</Val> </Term> </PmtFrqcy> <RstFrqcy> <Term> <Unit>YEAR</Unit> <Val>1</Val> </Term> </RstFrqcy> </Fltg> </ScndLeg> </IntrstRate>
81	Fixed rate or coupon payment frequency period leg 1	MNTH	
82	Fixed rate or coupon payment frequency period multiplier leg 1	3	
99	Identifier of the floating rate of leg 2	GB00B56Z6W79	
100	Indicator of the floating rate of leg 2	SONA	
101	Name of the floating rate of leg 2	Sterling Overnight Index Average	
102	Floating rate day count convention of leg 2	A008	
103	Floating rate payment frequency period of leg 2	MNTH	
104	Floating rate payment frequency period multiplier of leg 2	3	
105	Floating rate reference period of leg 2 – time period	DAIL	
106	Floating rate reference period of leg 2 – multiplier	1	
107	Floating rate reset frequency period of leg 2	YEAR	
108	Floating rate reset frequency multiplier of leg 2	1	
109	Spread of leg 2	0	

Table 28 – Reporting of a swaption on a fixed-to-floating IRS			
No	**Field**	**Example**	**XML message**
110	Spread currency of leg 2		<Optn> <Tp>PUTO</Tp> <ExrcStyle>AMER</ExrcStyle> <StrkPric> <Pctg>0.75</Pctg> </StrkPric> <PrmAmt Ccy="GBP">200000.00 </PrmAmt> <PrmPmtDt>2022-07-01 </PrmPmtDt> <MtrtyDtOfUndrlyg>2025-12-01 </MtrtyDtOfUndrlyg> </Optn> </TxData> </CmonTradData></New></Rpt>
132	Option type	PUTO	
133	Option style	AMER	
134	Strike price	0.75	
138	Strike price currency/currency pair		
139	Option premium amount	200000	
140	Option premium currency	GBP	
141	Option premium payment date	2022-07-01	
142	Maturity date of the underlying	2025-12-01	
151	Action type	NEWT	
152	Event type	TRAD	

Table 29 - Reporting of an exercise of a swaption			
No	**Field**	**Example**	**XML message**
1	UTI	AAAAABBBBBCCCCCDDDDD12345	<Rpt><Termntn><CmonTradData> <TxData> <TxId> <UnqTxIdr>
3	Prior UTI		

Table 29 - Reporting of an exercise of a swaption			
No	**Field**	**Example**	**XML message**
45	Early termination date	2022-11-01	AAAAABBBBBCCCCCDDDDD12345 </UnqTxIdr> </TxId> … <EarlyTermntnDt>2022-11-01 </EarlyTermntnDt> … <DerivEvt> <Tp>EXER</Tp> </DerivEvt> </TxData> </CmonTradData></Termntn></Rpt>
151	Action type	TERM	
152	Event type	EXER	

Table 30 - Reporting of a swap after exercise of the swaption			
No	**Field**	**Example**	**XML message**
1	UTI	AAAAABBBBBCCCCCDDDDD67890	<Rpt><New><CmonTradData> <TxData> <TxId> <UnqTxIdr> AAAAABBBBBCCCCCDDDDD67890 </UnqTxIdr> </TxId> <PrrTxId> <UnqTxIdr> AAAAABBBBBCCCCCDDDDD12345 </UnqTxIdr> </PrrTxId> … <DerivEvt> <Tp>EXER</Tp> </DerivEvt> … <IntrstRate> <FrstLeg> <Fxd> <Rate> <Rate>0.75</Rate> </Rate> <DayCnt> <Cd>A008</Cd> </DayCnt> <PmtFrqcy> <Term> <Unit>MNTH</Unit> <Val>3</Val>
3	Prior UTI	AAAAABBBBBCCCCCDDDDD12345	
79	Fixed rate of leg 1 or coupon	0.75	
80	Fixed rate or coupon day count convention leg 1	A008	
81	Fixed rate or coupon payment frequency period leg 1	MNTH	
82	Fixed rate or coupon payment frequency period multiplier leg 1	3	
99	Identifier of the floating	GB00B56Z6W79	

Table 30 - Reporting of a swap after exercise of the swaption			
No	**Field**	**Example**	**XML message**
	rate of leg 2		</Term> </PmtFrqcy> </Fxd> </FrstLeg> <ScndLeg> <Fltg> <Id>GB00B56Z6W79</Id> <Nm>Sterling Overnight Index Average</Nm> <Rate> <Cd>SONA</Cd> </Rate> <RefPrd> <Unit>DAIL</Unit> <Val>1</Val> </RefPrd> <Sprd> <Pctg>0</Pctg> </Sprd> <DayCnt> <Cd>A008</Cd> </DayCnt> <PmtFrqcy> <Term> <Unit>MNTH</Unit> <Val>3</Val> </Term> </PmtFrqcy> <RstFrqcy> <Term> <Unit>YEAR</Unit> <Val>1</Val> </Term> </RstFrqcy> </Fltg> </ScndLeg> </IntrstRate> </TxData> </CmonTradData></New></Rpt>
100	Indicator of the floating rate of leg 2	SONA	
101	Name of the floating rate of leg 2	Sterling Overnight Index Average	
102	Floating rate day count convention of leg 2	A008	
103	Floating rate payment frequency period of leg 2	MNTH	
104	Floating rate payment frequency period multiplier of leg 2	3	
105	Floating rate reference period of leg 2 – time period	DAIL	
106	Floating rate reference period of leg 2 – multiplier	1	
107	Floating rate reset frequency period of leg 2	YEAR	
108	Floating rate reset frequency	1	

Table 30 - Reporting of a swap after exercise of the swaption			
No	**Field**	**Example**	**XML message**
	multiplier of leg 2		
109	Spread of leg 2	0	
110	Spread currency of leg 2		
151	Action type	NEWT	
152	Event type	EXER	

5.3 Reporting of other IR products

415. Forward Rate Agreements (FRAs), cross-currency swaps, caps and floors should be classified as interest derivatives.

416. When reporting FRAs the counterparties should pay attention to the following:

a. The underlying rate should be reported in the fields pertaining to the underlying section (fields 2.13-2.16).

b. Execution timestamp should be populated with the relevant date and time when the derivative was concluded by the counterparties and following the specifications in the validation rules.

c. Effective date is the date when obligations under the contract come into effect. Unless the obligations between the counterparties are postponed to a future date, this is the same as the date part of the execution timestamp. Effective date is not the settlement date referred to in the FRA documentation.

d. Maturity date is the date agreed by the counterparties when the obligations under the derivative expire. In the case of FRAs, this is the date on which the exposures between the counterparties are extinguished by the determination of the payment covering the difference between the agreed rate and the prevailing market rate. This is not the final date of the underlying rate.

e. Settlement date is the date on which the counterparties settle the underlying. The underlying of a FRA is a forward interest rate and the settlement of the difference between the agreed rate and the prevailing market rate either coincides with the maturity date or it takes place on a later date.

417. Example of a FRA (represented using industry terminology):

- Executed on 22 February
- Fixing Date (2 day fixing) 20 May
- Effective Date (3M) 22 May

- Maturity Date (6M) 22 August
- Settlement Date 22 May

418. In the above example, for the purpose of reporting the effective date is 22 February - unless the counterparties agree to postpone the date on which the obligations come into effect - and the maturity date is 20 May.

419. In the case of caps and floors, the counterparties should populate both the fields relevant for options and fields relevant for interest rate derivatives (similarly to the example of swaption illustrated in the section 5.2).

420. In the case of cross-currency swaps, the counterparties should populate both the fields relevant for foreign exchange derivatives and fields relevant for interest rate derivatives.

5.4 Reporting of FX swaps and forwards

421. The Final contractual settlement date as specified in the RTS on reporting is not a repeatable field, therefore it is not possible to report both settlement dates – of the near and far leg – in this field.

422. FX swap is reported in a single report; therefore the Package identifier should not be populated.

423. The below examples illustrate how an FX swap and a lifecycle event affecting a single leg of a swap should be reported under Article 9 of EMIR.

5.4.1 FX swaps (spot-forward and forward-forward)

424. Following scenarios are considered:

f. -Scenario A: Reporting of an FX swap composed of a spot and forward leg.

g. Scenario B: Reporting of an FX swap composed of two forward legs.

425. In both scenarios the derivatives have the following characteristics:

- Banks A and B enter in a EUR/GBP swap instrument on 1 June 2018 (regardless of how the instrument has been subsequently confirmed or settled);

- notional of the contract: 1,000,000 EUR;

- maturity date of the contract: 31 December 2018;

- the swap is physically settled;

- Bank A delivers GBP and receives EUR for the far leg; thus it is identified as the receiver of leg 1 (i.e. it receives the currency reported in the field ‘Notional currency 1’, EUR);

- the exchange rate of the near leg is 0.88 EUR/GBP, while the exchange rate of the far leg is 0.865 EUR/GBP.

Table 31 - Reporting of an FX swap composed of a spot and forward leg			
Item	**Field**	**Example**	**XML message**
1	Reporting timestamp	2018-06-01T12:00:00Z	
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
18	Direction of leg 1	TAKE	
19	Direction of leg 2	MAKE	
1	UTI	123456	

```
<New>
   <CtrPtySpcfcData>
     <CtrPty>
        <RptgCtrPty>
         <Id>
          <Lgl>
           <LEI>12345678901234500000
           </LEI>
          </Lgl>
        </Id>
        …
        <DrctnOrSd><Drctn>
          <DrctnOfTheFrstLeg>TAKE
          </DrctnOfTheFrstLeg>
          <DrctnOfTheScndLeg>MAKE
          </DrctnOfTheScndLeg>
        </Drctn></DrctnOrSd>
      </RptgCtrPty>
      <OthrCtrPty>
        <IdTp>
          <Lgl>
           <LEI>ABCDEFGHIJKLMNOPQRST
           </LEI>
          </Lgl>
        </IdTp>
        …
      </OthrCtrPty>
     </CtrPty>
     <RptgTmStmp>2018-06-01T12:00:00Z
     </RptgTmStmp>
   </CtrPtySpcfcData>
   <CmonTradData>
      <CtrctData>
        <CtrctTp>SWAP</CtrctTp>
        <AsstClss>CURR</AsstClss>
        <PdctClssfctn>SFAXXP
        </PdctClssfctn>
      </CtrctData>
      <TxData>
        <TxId>
         <UnqTxIdr>123456
         </UnqTxIdr>
        </TxId>
        …
        <NtnlAmt>
         <FrstLeg>
          <Amt Ccy="EUR">1000000</Amt>
         </FrstLeg>
         <ScndLeg>
           <Amt Ccy="GBP">865000</Amt>
         </ScndLeg>
        </NtnlAmt>
        …
        <DlvryTp>PHYS</DlvryTp>
        <ExctnTmStmp>2018-06-01T12:00:
```

Table 31 - Reporting of an FX swap composed of a spot and forward leg			
Item	Field	Example	XML message
			00Z</ExctnTmStmp> <FctvDy>2018-06-01</FctvDy> <XprtnDt>2018-12-31</XprtnDt> <SttlmDt>2018-12-31</SttlmDt> … <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … <Ccy> <XchgRate>0.88</XchgRate> <FwdXchgRate>0.865 </FwdXchgRate> <XchgRateBsis> <CcyPair> <BaseCcy>EUR</BaseCcy> <QtdCcy>GBP</QtdCcy> </CcyPair> </XchgRateBsis> </Ccy> </TxData> </CmonTradData> </New>
6	Package identifier		
9	Product classification	SFAXXP	
10	Contract type	SWAP	
11	Asset class	CURR	
19	Settlement currency 1		
20	Settlement currency 2		
42	Execution timestamp	2018-06-01T12:00:00Z	

Table 31 - Reporting of an FX swap composed of a spot and forward leg			
Item	Field	Example	XML message
43	Effective date	2018-06-01	
44	Expiration date	2018-12-31	
46	Final contractual settlement date	2018-12-31	
47	Delivery type	PHYS	
48	Price		
49	Price currency		
55	Notional amount of leg 1	1000000	
64	Notional amount of leg 2	865000	
56	Notional currency 1	EUR	
65	Notional currency 2	GBP	
113	Exchange rate 1	0.88	
114	Forward exchange rate	0.865	

Table 31 - Reporting of an FX swap composed of a spot and forward leg			
Item	Field	Example	XML message
115	Exchange rate basis	EUR/GBP	
151	Action type	NEWT	
152	Event type	TRAD	

Table 32 - Reporting of an FX swap composed of two forward legs			
Item	Field	Example	XML message
1	Reporting timestamp	2018-06-01T12:00:00Z	<New> <CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <LEI>12345678901234500000 </LEI> </Lgl> </Id> … <DrctnOrSd><Drctn> <DrctnOfTheFrstLeg>TAKE </DrctnOfTheFrstLeg> <DrctnOfTheScndLeg>MAKE </DrctnOfTheScndLeg> </Drctn></DrctnOrSd> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <LEI>ABCDEFGHIJKLMNOPQRST </LEI> </Lgl> </IdTp> … </OthrCtrPty> </CtrPty> <RptgTmStmp>2018-06-01T12:00:00Z </RptgTmStmp> </CtrPtySpcfcData> <CmonTradData> <CtrctData> <CtrctTp>SWAP</CtrctTp> <AsstClss>CURR</AsstClss> <PdctClssfctn>SFCXXP </PdctClssfctn> </CtrctData>

Table 32 - Reporting of an FX swap composed of two forward legs			
Item	**Field**	**Example**	**XML message**
			<TxData> <TxId> <UnqTxIdr> 123457 </UnqTxIdr> </TxId> … <NtnlAmt> <FrstLeg> <Amt Ccy="EUR"> 1000000</Amt> </FrstLeg> <ScndLeg> <Amt Ccy="GBP"> 865000</Amt> </ScndLeg> </NtnlAmt> … <DlvryTp>PHYS</DlvryTp> <ExctnTmStmp>2018-06-01T 12:00:00Z</ExctnTmStmp> <FctvDy>2018-06-01</FctvDy> <XprtnDt>2018-12-31</XprtnDt> <SttlmDt>2018-12-31</SttlmDt> … <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … <Ccy> <XchgRate>0.88</XchgRate> <FwdXchgRate>0.865 </FwdXchgRate> <XchgRateBsis> <CcyPair> <BaseCcy>EUR</BaseCcy> <QtdCcy>GBP</QtdCcy> </CcyPair> </XchgRateBsis> </Ccy> </TxData> </CmonTradData> </New>
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
18	Direction of leg 1	TAKE	

Table 32 - Reporting of an FX swap composed of two forward legs			
Item	Field	Example	XML message
19	Direction of leg 2	MAKE	
1	UTI	123457	
6	Package identifier		
9	Product classification	SFCXXP	
10	Contract type	SWAP	
11	Asset class	CURR	
19	Settlement currency 1		
20	Settlement currency 2		
42	Execution timestamp	2018-06-01T12:00:00Z	
43	Effective date	2018-06-01	
44	Expiration date	2018-12-31	
46	Final contractual settlement date	2018-12-31	
47	Delivery type	PHYS	
48	Price		

Table 32 - Reporting of an FX swap composed of two forward legs			
Item	Field	Example	XML message
49	Price currency		
55	Notional amount of leg 1	1000000	
64	Notional amount of leg 2	865000	
56	Notional currency 1	EUR	
65	Notional currency 2	GBP	
113	Exchange rate 1	0.88	
114	Forward exchange rate	0.865	
115	Exchange rate basis	EUR/GBP	
151	Action type	NEWT	
152	Event type	TRAD	

5.4.2 Compression of the near leg of the FX swap

426. The following scenario is considered:

- The derivative is concluded on 1 June 2018;

- notional of the contract: 1,000,000 EUR;

- maturity date of the contract: 31 December 2018;

- the swap is physically settled;

- Bank A sells EUR and gets GBP for the near leg (and delivers GBP and receives EUR for the far leg);

- the exchange rate of the near leg is 0.88 EUR/GBP, while the exchange rate of the far leg is 0.865 EUR/GBP;

- the two settlement dates are 01/08/2018 and 31/12/2018.

427. On 17 July there is a compression of the near leg, while the far leg continues. Therefore, the FX swap needs to be terminated with action type ‘TERM’ and event type ’COMP’ and the FX forward contract arising from this compression has to be reported with a new UTI and flagging the ‘PTRR’ field as true. ‘PTRR ID’ is provided by the PTRR service provider WWWWWXXXXXYYYYYZZZZZ and populated both for the FX forward and the termination report of the FX swap.

428. This way of reporting is envisaged only in the cases where lifecycle events impact a single leg of an FX swap. It should not be followed in case of a normal settlement of a near leg, as envisaged in the original contract.

429. In line with the validation rules, only a limited subset of fields is required for action type ’TERM’.

Table 33 - New Report (for a swap)

No	Field	Example	XML message
1	Reporting timestamp	2018-06-01T12:00:00Z	<New> <CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <LEI>12345678901234500000</LEI> </Lgl> </Id> … <DrctnOrSd><Drctn> <DrctnOfTheFrstLeg>TAKE</DrctnOfTheFrstLeg> <DrctnOfTheScndLeg>MAKE</DrctnOfTheScndLeg> </Drctn></DrctnOrSd> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <LEI>ABCDEFGHIJKLMNOPQRST</LEI> </Lgl> </IdTp> … </OthrCtrPty> </CtrPty> <RptgTmStmp>2018-06-01T12:00:00Z</RptgTmStmp> </CtrPtySpcfcData> <CmonTradData> <CtrctData>

Table 33 - New Report (for a swap)			
No	Field	Example	XML message
			<CtrctTp>SWAP</CtrctTp> <AsstClss>CURR</AsstClss> <PdctClssfctn>SFCXXP </PdctClssfctn> </CtrctData> <TxData> <TxId> <UnqTxIdr> 123456 </UnqTxIdr> </TxId> … <NtnlAmt> <FrstLeg> <Amt Ccy="EUR"> 1000000</Amt> </FrstLeg> <ScndLeg> <Amt Ccy="GBP"> 865000</Amt> </ScndLeg> </NtnlAmt> … <DlvryTp>PHYS</DlvryTp> <ExctnTmStmp>2018-06-01T 12:00:00Z</ExctnTmStmp> <FctvDy>2018-06-01</FctvDy> <XprtnDt>2018-12-31 </XprtnDt> <SttlmDt>2018-12-31 </SttlmDt> … <PstTradRskRdctnFlg>FALSE </PstTradRskRdctnFlg> … <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … <Ccy> <XchgRate>0.88</XchgRate> <FwdXchgRate>0.865 </FwdXchgRate> <XchgRateBsis> <CcyPair> <BaseCcy>EUR</BaseCcy> <QtdCcy>GBP</QtdCcy> </CcyPair> </XchgRateBsis> </Ccy> </TxData> </CmonTradData> <Lvl>TCTN</Lvl> </New>

Table 33 - New Report (for a swap)			
No	Field	Example	XML message
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
18	Direction of leg 1	TAKE-	
19	Direction of leg 2	MAKE	
1	UTI	123456	
5	PTRR ID		
9	Product classification	SFCXXP	
10	Contract type	SWAP	
11	Asset class	CURR	
19	Settlement currency 1		
20	Settlement currency 2		
38	PTRR	FALSE	
42	Execution timestamp	2018-06-01T12:00:00Z	
43	Effective date	2018-06-01	

Table 33 - New Report (for a swap)			
No	**Field**	**Example**	**XML message**
44	Expiration date	2018-12-31	
45	Early termination date		
46	Final contractual settlement date	2018-12-31	
47	Delivery type	PHYS	
48	Price		
49	Price currency		
55	Notional amount of leg 1	1000000	
64	Notional amount of leg 2	865000	
56	Notional currency 1	EUR	
65	Notional currency 2	GBP	
113	Exchange rate 1	0.88	
114	Forward exchange rate	0.865	
115	Exchange rate basis	EUR/GBP	
151	Action type	NEWT	
152	Event type	TRAD	
154	Level	TCTN	

Table 34 – Termination (due to compression) of leg 1			
No	**Field**	**Example**	**XML example**
1	Reporting timestamp	2018-07-17T12:00:00Z	<Termntn> <CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <LEI>12345678901234500000</LEI> </Lgl> </Id> … </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <LEI>ABCDEFGHIJKLMNOPQRST</LEI> </Lgl> </IdTp> … </OthrCtrPty> </CtrPty> <RptgTmStmp>2018-07-17T12:00:00Z</RptgTmStmp> </CtrPtySpcfcData> <CmonTradData> <TxData> <TxId> <UnqTxIdr> 123456 </UnqTxIdr> </TxId> <EarlyTermntnDt>2018-07-17</EarlyTermntnDt> <DerivEvt> <Tp>COMP</Tp> <Id> <PstTradRskRdctnIdr> <Strr>WWWWWXXXXX YYYYYZZZZZ</Strr> <Id>1234567</Id>
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
9	Counterparty 2	ABCDEFGHIJKLMN OPQRST	
18	Direction of leg 1	-	
19	Direction of leg 2	-	
1	UTI	123456	
5	PTRR ID	WWWWWXXXXXYYYYYZZZZZ1234567	
9	Product classification	-	
10	Contract type	-	
11	Asset class	-	
19	Settlement currency 1		
20	Settlement currency 2		
38	PTRR		
42	Execution timestamp	-	
43	Effective date	-	
44	Expiration date	-	

Table 34 – Termination (due to compression) of leg 1			
No	**Field**	**Example**	**XML example**
45	Early termination date	2018-07-17	</PstTradRskRdctnIdr> </Id> </DerivEvt> … </TxData> </CmonTradData> <Lvl>TCTN</Lvl> </Termntn>
46	Final contractual settlement date		
47	Delivery type		
48	Price		
49	Price currency		
55	Notional amount of leg 1		
64	Notional amount of leg 2	-	
56	Notional currency 1		
65	Notional currency 2		
113	Exchange rate 1		
114	Forward exchange rate		
115	Exchange rate basis		
151	Action type	TERM	
152	Event type	COMP	
154	Level	TCTN	

Table 35 – New report of FX forward (for the far leg of the previous swap)			
No	**Field**	**Example**	**XML schema**
1	Reporting timestamp	2018-07-17T12:00:00Z	
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
18	Direction of leg 1	TAKE	
19	Direction of leg 2	MAKE	
1	UTI	789ABC	
5	PTRR ID	WWWWWXXXXXYYYYYZZZZZ1234567	
9	Product classification	JFTXFP	
10	Contract type	FORW	
11	Asset class	CURR	
19	Settlement currency 1		
20	Settlement currency 2		

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   <CtrPrty>
     <RptgCtrPty>
       <Id>
         <Lgl>
           <LEI>
            12345678901234500000
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     <DrctnOrSd><Drctn>
        <DrctnOfTheFrstLeg>
         TAKE
         </DrctnOfTheFrstLeg>
        <DrctnOfTheScndLeg>
         MAKE
        <DrctnOfTheScndLeg>
        </Drctn></DrctnOrSd>
     </RptgCtrPty>
     <OthrCtrPty>
        <Id>
         <Lgl>
           <LEI>
            ABCDEFGHIJKLMNOPQRST
            </LEI>
         </Lgl>
        </Id>
     </OthrCtrPty>
   </CtrPty>
    <RptgTmStmp>2018-07-17T
    12:00:00Z</RptgTmStmp>
  </CtrPtySpcfcData>
  <CmonTradData>
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      <PdctClssfctn>
      JFTXFP
      </PdctClssfctn>
    </CtrctData>
    <TxData>
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       <UnqTxIdr>789ABC
       </UnqTxIdr>
      </TxId>
       …
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        <FrstLeg>
          <Amt Ccy="EUR">
          1000000</Amt>
        </FrstLeg>
```

Table 35 – New report of FX forward (for the far leg of the previous swap)			
No	**Field**	**Example**	**XML schema**
38	PTRR	TRUE	<ScndLeg><Amt Ccy="GBP">865000</Amt></ScndLeg></NtnlAmt>…
42	Execution timestamp	2018-06-01T12:00:00Z	<DlvryTp>PHYS</DlvryTp><ExctnTmStmp>2018-06-01T12:00:00Z</ExctnTmStmp>
43	Effective date	2018-07-17	<FctvDy>2018-07-17</FctvDy><XprtnDt>2018-12-31</XprtnDt><SttlmDt>2018-12-31</SttlmDt>…
44	Expiration date	2018-12-31	<PstTradRskRdctnFlg>true</PstTradRskRdctnFlg>…
45	Early termination date		<DerivEvt><Tp>COMP</Tp><Id><PstTradRskRdctnIdr><Strr>WWWWWXXXXXYYYYYZZZZZ</Strr><Id>1234567</Id></PstTradRskRdctnIdr></Id></DerivEvt>…
46	Final contractual settlement date	2018-12-31	<Ccy><FwdXchgRate>0.865</FwdXchgRate><XchgRateBsis><CcyPair><BaseCcy>EUR</BaseCcy><QtdCcy>GBP</QtdCcy></CcyPair></XchgRateBsis></Ccy></TxData></CmonTradData><Lvl>TCTN</Lvl></New>
47	Delivery type	PHYS	
48	Price		
49	Price currency		
55	Notional amount of leg 1	1000000	

Table 35 – New report of FX forward (for the far leg of the previous swap)			
No	**Field**	**Example**	**XML schema**
64	Notional amount of leg 2	865000	
56	Notional currency 1	EUR	
65	Notional currency 2	GBP	
113	Exchange rate 1		
114	Forward exchange rate	0.865	
115	Exchange rate basis	EUR/GBP	
151	Action type	NEWT	
152	Event type	COMP	
154	Level	TCTN	

5.4.3 FX option

430. Considering a currency option with the following setup:

- Banks A and B enter in a EUR/GBP European call option instrument on 1 June 2018

- notional of the contract: 1,000,000 EUR;

- maturity date of the contract: 31 December 2018;

- the option is physically settled;

- Bank A is the buyer of the option;

- the strike of the option is 0.87;

- option premium is 200,000 EUR and is paid on 5 June 2018.

431. The option has only one leg and the direction should be defined in accordance with the buyer/seller model. It should be determined by which counterparty buys or sells the option.

Table 36 – Reporting of a new FX option			
Item	Field	Example	XML example
1	Reporting timestamp	2018-06-01T12:00:00Z	<New> <CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <LEI>12345678901234500000 </LEI> </Lgl> </Id> … <DrctnOrSd> <CtrPtySd>BYER</DrctnOrSd> </DrctnOrSd> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <LEI>ABCDEFGHIJKLMNOPQRST </LEI> </Lgl> </IdTp> … </OthrCtrPty> </CtrPty> <RptgTmStmp>2018-06-01T12:00:00Z </RptgTmStmp> </CtrPtySpcfcData> <CmonTradData> <CtrctData> <CtrctTp>OPTN</CtrctTp> <AsstClss>CURR</AsstClss> <PdctClssfctn>HFTAVP </PdctClssfctn> </CtrctData> <TxData> <TxId>
4	Counterparty 1 (Reporting counterparty)	1234567890123450000 0	
9	Counterparty 2	ABCDEFGHIJKLMNOP QRST	
17	Direction	BYER	
1	UTI	123OPT	
9	Product classification	HFTAVP	
10	Contract type	OPTN	
11	Asset class	CURR	
19	Settlement currency 1		
20	Settlement currency 2		
42	Execution timestamp	2018-06-01T12:00:00Z	

Table 36 – Reporting of a new FX option			
Item	Field	Example	XML example
43	Effective date	2018-06-01	<UnqTxIdr>123OPT</UnqTxIdr> </TxId> … <NtnlAmt> <FrstLeg> <Amt Ccy="EUR"> 1000000</Amt> </FrstLeg> <ScndLeg> <Amt Ccy="GBP"> 870000</Amt> </ScndLeg> </NtnlAmt> … <DlvryTp>PHYS</DlvryTp> <ExctnTmStmp>2018-06-1T12:00: 00Z</ExctnTmStmp> <FctvDy>2018-06-01</FctvDy> <XprtnDt>2018-12-31</XprtnDt> <SttlmDt>2019-01-02</SttlmDt> … <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … <Ccy> <XchgRateBsis> <CcyPair> <BaseCcy>EUR</BaseCcy> <QtdCcy>GBP</QtdCcy> </CcyPair> </XchgRateBsis> </Ccy> <Optn> <Tp>CALL</Tp> <ExrcStyle>EURO</ExrcStyle> <StrkPric> <Pctg>0.87</Pctg> </StrkPric> <PrmAmt> <Amt Ccy="EUR">200000</Amt> </PrmAmt> <PrmPmtDt>2018-06-05 </PrmPmtDt> </Optn> </TxData> </CmonTradData> <Lvl>TCTN</Lvl> </New>
44	Expiration date	2018-12-31	
46	Final contractual settlement date	2019-01-02	
47	Delivery type	PHYS	
48	Price		
49	Price currency		
55	Notional amount of leg 1	1000000	
56	Notional currency 1	EUR	
64	Notional amount of leg 2	870000	
65	Notional currency 2	GBP	
132	Option type	CALL	
133	Option style	EURO	
134	Strike price	0.87	
138	Strike price currency/currency pair	EUR/GBP	
139	Option premium amount	200000	

Table 36 – Reporting of a new FX option			
Item	Field	Example	XML example
140	Option premium currency	EUR	
141	Option premium payment date	2018-06-05	
151	Action type	NEWT	
152	Event type	TRAD	
154	Level	TCTN	

5.4.4 Additional considerations on the reporting of currencies

432. The reporting of the direction of the derivative and of the currencies involved should be done by parties taking into account their own booking irrespective of the other party booking. Consequently the direction and the order of currencies may vary in the reporting. Such difference should be managed by TRs in their reconciliation process so that direction of the derivative is considered based on the currencies provided in the reporting.

5.5 Reporting of NDFs

433. Non-deliverable forwards (NDFs) are cash-settled foreign exchange forward contracts. Such a cash-settled forward contract specifies an exchange rate against the currency of delivery (the convertible currency), typically the US dollar, a notional amount of the non-convertible currency and a settlement date. A cash-settled FX forward contract is akin to a classical physically-settled FX forward contract, but contrary to the former there is no physical delivery of the designated currencies at maturity. On the maturity date, the spot market exchange rate is instead compared to the forward rate in order to value the NDF. The cash-settled contract is settled on a net basis, in the convertible currency based on the notional amount.

5.5.1 NDF

434. Considering a currency non-deliverable forward (NDF) with the following setup:

- Banks A and B enter in a BRL/USD NDF instrument on 1 June 2018

- notional of the contract: 1,000,000 BRL;

- maturity date of the contract: 31 December 2018;

-settlement date of the contract: 2 January 2019;

- the forward is cash-settled because of its non-deliverable nature;

- Bank A delivers or receives the difference (according to its sign) in USD between the spot and the forward at the settlement date;

- USD is populated in Settlement Currency 1;

- the forward exchange rate is 0.29 BRL/USD.

435. In the case of forwards related to currencies, the counterparty 1 should identify itself as either the payer or the receiver for leg 1 (BRL in this example). Given that in this example the reporting counterparty would receive the difference in case of increase in the BRL value (decrease in the exchange rate), it is identified as the receiver of leg 1.

436. Price is not populated as the price information is considered to be included in the forward exchange rate field.

437. Given that there is just one settlement currency, it should be always populated as settlement currency 1.

Table 37 – Reporting of an NDF			
No	**Field**	**Example**	**XML schema**
1	Reporting timestamp	2018-06-01T12:00:00Z	
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
18	Direction of leg 1	TAKE	
19	Direction of leg 2	MAKE	
1	UTI	123NDF	
9	Product classification	JFTXFC	
10	Contract type	FORW	
11	Asset class	CURR	
19	Settlement currency 1	USD	
20	Settlement currency 2	-	
42	Execution timestamp	2018-06-01T12:00:00Z	

```
<New>
  <CtrPtySpcfcData>
    <CtrPty>
      <RptgCtrPty>
       <Id>
        <Lgl>
         <LEI>12345678901234500000
         </LEI>
        </Lgl>
      </Id>
      …
      <DrctnOrSd><Drctn>
        <DrctnOfTheFrstLeg>TAKE
        </DrctnOfTheFrstLeg>
        <DrctnOfTheScndLeg>MAKE
        </DrctnOfTheScndLeg>
      </Drctn></DrctnOrSd>
    </RptgCtrPty>
    <OthrCtrPty>
      <IdTp>
        <Lgl>
         <LEI>ABCDEFGHIJKLMNOPQRST
         </LEI>
        </Lgl>
      </IdTp>
      …
    </OthrCtrPty>
   </CtrPty>
   <RptgTmStmp>2018-06-01T12:00:00Z
   </RptgTmStmp>
  </CtrPtySpcfcData>
  <CmonTradData>
    <CtrctData>
```

Table 37 – Reporting of an NDF			
No	**Field**	**Example**	**XML schema**
43	Effective date	2018-06-01	<CtrctTp>FORW</CtrctTp> <AsstClss>CURR</AsstClss> <PdctClssfctn>JFTXFC </PdctClssfctn> <SttlmCcy><Ccy>USD</Ccy> </SttlmCcy> </CtrctData> <TxData> <TxId> <UnqTxIdr>123NDF</UnqTxIdr> </TxId> … <NtnlAmt> <FrstLeg> <Amt Ccy="BRL">1000000</Amt> </FrstLeg> <ScndLeg> <Amt Ccy="USD">290000</Amt> </ScndLeg> </NtnlAmt> … <DlvryTp>CASH</DlvryTp> <ExctnTmStmp>2018-06-01T12:00: 00Z</ExctnTmStmp> <FctvDy>2018-06-01</FctvDy> <XprtnDt>2018-12-31</XprtnDt> <SttlmDt>2019-01-02</SttlmDt> … <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … <Ccy> <FwdXchgRate>0.29 </FwdXchgRate> <XchgRateBsis> <CcyPair> <BaseCcy>BRL</BaseCcy> <QtdCcy>USD</QtdCcy> </CcyPair> </XchgRateBsis> </Ccy> </TxData> </CmonTradData> <Lvl>TCTN</Lvl> </New>
44	Expiration date	2018-12-31	
46	Final contractual settlement date	2019-01-02	
47	Delivery type	CASH	
48	Price		
49	Price currency		
55	Notional amount of leg 1	1000000	
56	Notional currency 1	BRL	
64	Notional amount of leg 2	290000	
65	Notional currency 2	USD	
114	Forward exchange rate	0.29	
115	Exchange rate basis	BRL/USD	
151	Action type	NEWT	
152	Event type	TRAD	
154	Level	TCTN	

5.6 Reporting of CFDs

438. Contracts for Difference (CFDs) generally do not have any specified maturity date and at the moment of their conclusion the termination date is also not specified. Counterparties may at any moment decide to close the contract, with immediate

effect. They can also close it partially as counterparties may terminate only a part of the volume on one day and the other part or parts of the contract on any other day.

439. Each opening of a new contract should be reported by the counterparties to the TR as a new entry. This means that each CFD be reported with its distinct Unique Trade Identifier and action type ‘New’ or if the trade is included in a position on the same day it can be reported with action type ‘Position Component’, even if they are executed and then netted or terminated for other reasons during the same day.

440. Furthermore, the CFDs have to be reported even if they are concluded with a counterparty that is not subject to the reporting obligation, such as an individual not carrying out an economic activity and who is consequently not considered as an undertaking.

441. Subsequent CFDs do not have to be included in a position, however, it is strongly recommended to do so. As these derivatives have no maturity, it would imply that without including in a position each individual CFD by a financial counterparty would need to receive daily valuation updates until either 1) the CFD is terminated or 2) infinity. Outstanding CFDs need valuation updates, but when included in a position, the valuation can be provided at position level in accordance with the section 4.7.

442. Similarly to any other contract, the reported valuation of a CFD should represent the total value of the contract, rather than a daily change in its valuation.

443. ESMA considers offsetting CFDs to be reportable derivatives requiring a Unique Trade Identifier for each derivative. In case CFDs are not netted into a position, offsetting CFDs need to be terminated.

444. Once the CFD is closed, the counterparty should send a termination report to the initial entry, completing the field ’Early termination date‘. If the CFD is closed partially, counterparties send a report with action type ‘Modify’ and event type ‘Early termination’ to the initial entry, reducing only its notional amount (remaining volume is equal to the not yet terminated volume). If there is another partial close, yet another modification report is sent – until the contract is finally closed in whole. Then, the counterparties send a termination report with action type ‘Terminate’ and event type ‘Early termination’, completing the field “Early termination date”. In these cases, the opening price of the contract is reported only in the first report (with action type ‘New’) and it is not updated in the following modification reports. Please note that the possibility to modify the notional of a given trade, as just described, should only be used in the event that both parties in fact agree to partially terminate that trade. If however they agree to conclude an offsetting trade with a smaller notional, then a report with action type ‘New’ is required.

5.6.1 CFD

445. The below table illustrates population of fields for a new CFD (that is not included in a position) on a share XS1234567890. The UPI assigned to that CFD

product is AAA111222333. The initial price of the share is 30 EUR and the reporting counterparty A buys a CFD on 1,000 shares.

Table 38 - Reporting of a new CFD			
No	Field	Example	XML message
1	Reporting timestamp	2023-06-06T12:00:00Z	<New> <CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <LEI>12345678901234500000 </LEI> </Lgl> </Id> … <DrctnOrSd> <CtrPtySd>BYER</CtrPtySd> </DrctnOrSd> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <LEI>ABCDEFGHIJKLMNOPQRST </LEI> </Lgl> </IdTp> … </OthrCtrPty> </CtrPty> <RptgTmStmp>2023-06-06T12:00: 00Z</RptgTmStmp> </CtrPtySpcfcData> <CmonTradData> <CtrctData> <CtrctTp>CFDS</CtrctTp> <AsstClss>EQUI</AsstClss> <PdctClssfctn>JESXCC </PdctClssfctn> <PdctId><UnqPdctIdr><Id> AAA111222333 </Id></UnqPdctIdr></PdctId> <UndrlygInstrm><ISIN> XS1234567890 </ISIN></UndrlygInstrm> <SttlmCcy><Ccy>EUR</Ccy> </CtrctData> <TxData> <TxId> <UnqTxIdr>123CFD</UnqTxIdr> </TxId> … <TxPric> <Pric> <MntryVal> <Amt Ccy="EUR">30</Amt>
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
17	Direction	BYER	
1	UTI	123CFD	
8	UPI	AAA111222333	
9	Product classification	JESXCC	
10	Contract type	CFDS	
11	Asset class	EQUI	
13	Underlying identification type	I	
14	Underlying identification	XS1234567890	
19	Settlement currency 1	EUR	
20	Settlement currency 2	-	
42	Execution timestamp	2023-06-05T11:43:00Z	
43	Effective date	2023-06-05	
44	Expiration date	-	
46	Final contractual settlement date	-	
47	Delivery type	CASH	

Table 38 - Reporting of a new CFD			
No	Field	Example	XML message
48	Price	30	</MntryVal> </Pric> </TxPric> … <NtnlAmt> <FrstLeg> <Amt Ccy="EUR"> 30000</Amt> </FrstLeg> </NtnlAmt> <NtnlQty> <FrstLeg> <TtlQty>1000</TtlQty> </FrstLeg> </NtnlQty> … <DlvryTp>CASH</DlvryTp> <ExctnTmStmp>2023-06-05 T11:43:00Z</ExctnTmStmp> <FctvDy>2023-06-05</FctvDy> … <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … </TxData> </CmonTradData> <Lvl>TCTN</Lvl> </New>
49	Price currency	EUR	
55	Notional amount of leg 1	30000	
56	Notional currency 1	EUR	
60	Total notional quantity of leg 1	1000	
151	Action type	NEWT	
152	Event type	TRAD	
154	Level	TCTN	

5.7 Reporting of equity derivatives

446. Equity derivatives are a type of derivatives whose value is derived, at least partly, from one or more underlying equity securities. Options and futures are the most common equity derivatives. The type of contract should be specified in field 2.10 and the asset class (EQUI) should be specified in field 2.11 as indicated in the RTS and the ITS on reporting.

447. A Total Return Swap is a contract between two parties who exchange returns from a financial asset (underlying) between them. In this kind of derivatives, one party makes payments based on a set rate while the other party makes payments based on the total return of the underlying asset. The underlying assets are usually a bond, equity, equity index, interest, or loan.

448. For example, a Total Return Swap on an equity index should be reported with the value 'EQUI' in field 2.11 'Asset Class', whereas a Total Return Swap on a bond or loan should be reported with the value 'CRDT' in field 2.11 'Asset Class'.

449. The event type ‘Corporate Event’ should be used in the case of lifecycle events triggered by corporate actions on the underlying equities. See section 4.6 for more details.

450. The direction of the trade of most equity swaps should be reported following the approach in which the counterparties would indicate whether the reporting counterparty is payer/receiver for a given leg at the time of the derivative, using an indicator in the dedicated fields (’Direction of leg 1’ or ’Direction of leg 2‘). See the section 4.12 of these Guidelines for further details.

451. In addition, as stated in the Article 4 of the ITS on reporting, in the swaps related to dividends, the counterparty receiving the equivalent dividend amount payments should be identified as the buyer and the counterparty paying that equivalent dividend amount payments should be identified as the seller. Furthermore, for swaps related to securities other than dividend swaps, the counterparty 1 should identify itself as either the payer or the receiver for leg 1, and the opposite for leg 2. The counterparty 2 should populate these two fields with the opposite values related to the counterparty 1.

452. More details on the reporting of notional and prices are provided in the section 4.17 of these Guidelines.

453. The strike price of equity options, when this strike price is expressed as monetary amount, should be reported with any value up to 18 numeric characters including up to 13 decimal places; e.g.: USD 6.39 expressed as 6.39. If the value has more than 13 digits after the decimal, reporting counterparties should round half-up (field 2.134 in the RTS/ITS on reporting).

454. The strike price of equity options should be reported in the currency in which the strike price is denominated (fields 2.137 and 2.138 in the RTS/ITS on reporting).

5.7.1 Dividend swap

455. A credit institution concludes and reports an equity swap derivative on a single stock where the return or payout trigger is the dividend. The entity reports also a collateral and valuation update, according to its internal model. The other counterparty is an investment firm of its group. The notional amount is EUR 1 million, the transaction is fully collateralised.

Table 39 – Reporting of an equity derivative

No	Field	Example	XML schema
Table 1			<ValtnUpd> <CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id><Lgl><LEI> 12345678901234500000
1	Reporting timestamp	2021-02-24T17:00:00Z	
2	Report submitting entity ID	12345678901234500000	

Table 39 – Reporting of an equity derivative			
No	**Field**	**Example**	**XML schema**
3	Entity responsible for reporting	12345678901234500000	</LEI></Lgl></Id> <Ntr> <FI> <Sctr> <Cd>CDTI</Cd> </Sctr> <ClrThrshld>true </ClrThrshld> </FI> </Ntr> <DrctnOrSd><Drctn> <CtrPtySd>SLLR</CtrPtySd> </Drctn></DrctnOrSd> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <LEI>ABCDEFGHIJKLMNOPQRST </LEI> </Lgl> </IdTp> <Ntr> <FI> <Sctr> <Cd>INVF</Cd> </Sctr> <ClrThrshld>true </ClrThrshld> </FI> </Ntr> </OthrCtrPty> <SubmitgAgt> <LEI>12345678901234500000</LEI> </SubmitgAgt> <NttyRspnsblForRpt> <LEI>12345678901234500000</LEI> </NttyRspnsblForRpt> </CtrPty> <Valtn> <CtrctVal> <Amt Ccy="EUR">6827412379 </Amt> </CtrctVal> <TmStmp>2021-03-02T17:00:00Z </TmStmp> <Tp>MTMO</Tp> </Valtn> <RptgTmStmp>2021-02-24T17:00:00Z </RptgTmStmp> </CtrPtySpcfcData> <CmonTradData> <CtrctData> <CtrctTp>SWAP</CtrctTp>
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
5	Nature of the counterparty 1	F	
6	Corporate sector of the counterparty 1	CDTI	
7	Clearing threshold of counterparty 1	TRUE	
8	Counterparty 2 identifier type	TRUE	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
11	Nature of the counterparty 2	F	
12	Corporate sector of the counterparty 2	INVF	
17	Direction	SLLR	
Table 2			
1	UTI	AAAAABBBBBCCCCCDDDDD	
5	PTRR ID		
9	Product classification	SESDXC	
10	Contract type	SWAP	
11	Asset class	EQUI	
13	Underlying identification type	I	
14	Underlying identification	ES1234567890	
21	Valuation amount	6827412379	
22	Valuation currency	EUR	
23	Valuation timestamp	2021-03-02T17:00:00Z	
24	Valuation method	MTMO	

Table 39 – Reporting of an equity derivative			
No	**Field**	**Example**	**XML schema**
26	Collateral portfolio indicator	FALSE	<AsstClss>EQUI</AsstClss> <PdctClssfctn>SESDXC</PdctClssfctn> <UndrlygInstrm><ISIN>ES1234567890</ISIN></UndrlygInstrm> <SttlmCcy><Ccy>EUR</Ccy></SttlmCcy> </CtrctData> <TxData> <TxId> <UnqTxIdr>AAAAABBBBBCCCCCDDDDD</UnqTxIdr> </TxId> <CollPrtflCd><Prtfl><NoPrtfl>NOAP</NoPrtfl></Prtfl></CollPrtflCd> <PltfmIdr>XXXX</PltfmIdr> <NtnlAmt> <FrstLeg> <Amt Ccy="EUR">1000000</Amt> </FrstLeg> </NtnlAmt> … <DlvryTp>CASH</DlvryTp> <ExctnTmStmp>2021-02-23T17:00:00Z</ExctnTmStmp> <FctvDy>2021-02-24</FctvDy> <XprtnDt>2024-06-15</XprtnDt> <PstTradRskRdctnFlg>false</PstTradRskRdctnFlg> <TradClr> <ClrOblgtn>FLSE</ClrOblgtn> <ClrSts><NonClrd><Rsn>NORE</Rsn></NonClrd></ClrSts> <IntraGrp>true</IntraGrp> </TradClr> … </TxData> </CmonTradData> <Lvl>TCTN</Lvl> </ValtnUpd>
30	Clearing obligation	FALSE	
31	Cleared	N	
37	Intragroup	TRUE	
38	PTRR	FALSE	
41	Venue of execution	XXXX	
42	Execution timestamp	2021-02-23T17:00:00Z	
43	Effective date	2021-02-24	
44	Expiration date	2024-06-15	
47	Delivery type	CASH	
55	Notional amount of leg 1	1000000	
56	Notional currency 1	EUR	
151	Action type	VALU	
152	Event type		
154	Level	TCTN	
Table 3			
7	Collateral timestamp	2021-03-24T17:00:00Z	<MrgnUpd> <EvtDt>2021-03-24</EvtDt>

Table 39 – Reporting of an equity derivative			
No	**Field**	**Example**	**XML schema**
8	Collateral portfolio indicator	FALSE	<TxId> <UnqTxIdr> AAAAABBBBBCCCCCDDDDD </UnqTxIdr> </TxId> <Coll> <CollPrtflCd> <Prtfl> <NoPrtfl>NOAP<NoPrtfl> <Prtfl> </CollPrtflCd> <CollstnCtgy>FLCL</CollstnCtgy> <TmStmp>2021-03-24T17:00:00Z </TmStmp> </Coll> <PstdMrgnOrColl> <InitlMrgnPstdPreHrcut> <Amt Ccy="EUR">5000000</Amt> </InitlMrgnPstdPreHrcut> <InitlMrgnPstdPstHrcut> <Amt Ccy="EUR">4500000</Amt> </InitlMrgnPstdPstHrcut> <VartnMrgnPstdPreHrcut> <Amt Ccy="EUR">1000000</Amt> </VartnMrgnPstdPreHrcut> <VartnMrgnPstdPstHrcut> <Amt Ccy="EUR">800000</Amt> </VartnMrgnPstdPstHrcut> </PstdMrgnOrColl> <RcvdMrgnOrColl> <InitlMrgnRcvdPreHrcut> <Amt Ccy="EUR">5000000</Amt> </InitlMrgnRcvdPreHrcut> <InitlMrgnRcvdPstHrcut> <Amt Ccy="EUR">4300000</Amt> </InitlMrgnRcvdPstHrcut> </RcvdMrgnOrColl> </MrgnUpd>
9	Collateral portfolio code		
10	UTI	AAAAABBBBBCCCCCDDDDD	
11	Collateralisation category	FLCL	
12	Initial margin posted by counterparty 1 (pre haircut)	5000000	
13	Initial margin posted by the counterparty 1 (post haircut)	4500000	
14	Currency of the initial margin posted	EUR	
15	Variation margin posted by the counterparty 1 (pre-haircut)	1000000	
16	Variation margin posted by the counterparty 1 (post-haircut)	800000	
17	Currency of the variation margins posted	EUR	
20	Initial margin collected by the counterparty 1 (pre-haircut)	5000000	
21	Initial margin collected by the counterparty 1 (post-haircut)	4300000	
22	Currency of initial margin collected	EUR	
23	Variation margin collected by the counterparty 1 (pre-haircut)		

Table 39 – Reporting of an equity derivative			
No	**Field**	**Example**	**XML schema**
24	Variation margin collected by the counterparty 1 (post-haircut)		
25	Currency of variation margin collected		
28	Action type	MARU	
29	Event date	2021-03-24	

456. Another example on ETDs future on equities can be found in the section 4.8.

5.8 Reporting of credit derivatives

457. A credit derivative is a financial contract in which the underlying is a credit asset (debt or fixed-income instrument). The purpose of a credit derivative is to transfer credit risk without transferring the asset itself. The type of contract should be specified in field 2.10 and the asset class (’CRDT’) should be specified in the field 2.11.

458. Total Return Swaps (defined above in the section Reporting of equity derivatives of these Guidelines) should be classified based on the underlying. For example, a Total Return Swap on an equity index should be reported with the value ’EQUI’ in the field 2.11 whereas a Total Return Swap on a bond or loan should be reported with the value ‘CRDT’.

459. In the case of credit derivatives following a change in the index factor (field 2.147 in the RTS on reporting) due to credit events, the counterparties should not modify the notional, but rather they should only update the index factor.

460. With regard to the reporting of reference entity (field 2.144) for credit derivatives, ISO 3166 and ISO 3166-2 codes should only be used in the case of credit derivatives where the reference entity is a supranational, a sovereign or a municipality, respectively. In all other cases the reference entity should be identified with a LEI.

461. In the case of the reporting of a CDS with a coupon payment realised in a single payment on the maturity date rather than with a monthly, quarterly, semi-annual or annual frequency, counterparties should populate the field 2.81 ’Fixed rate or coupon payment frequency period leg 1‘ of the ITS on reporting using the code ‘EXPI’ = payment at term.

462. CDS index tranches are standardised synthetic collateralised debt obligations (CDOs) based on a CDS index, where each tranche references a different segment

of the loss distribution of the underlying CDS index. The riskiness of a tranche decreases with the tranche's seniority in the securitisation's capital structure. This enables investors to take on exposures to specific segments of the CDS index default loss distribution where each tranche has a different sensitivity to credit risk correlations among entities in the index.

463. Tranches of a CDS index that absorb losses sequentially are defined by an attachment and a detachment point. They are defined in the fields 2.149 and 2.150 of the RTS on reporting.

464. Both data elements, attachment and detachment points, are not applicable if the derivative is not a CDS tranche derivative (index or custom basket).

465. For example, the notional in a tranche with an attachment point of 3% and a detachment point of 6% will be reduced after there have been 3% of losses in the portfolio. 6% losses in the portfolio deplete the notional of the tranche.

466. 'Credit event' event type applies only to credit derivatives. It is defined as a credit event that results in a modification of a credit derivative, at a trade or position level. For further details see section 4.6 in these Guidelines.

467. In accordance with the Article 4 of ITS on reporting, in the case of derivative instruments for the transfer of credit risk as the credit derivatives (mainly CDSs), the counterparty buying the protection should be identified as the buyer and the counterparty selling the protection should be identified as the seller. In the case of options and swaptions the rule under Article 4(2) of the ITS on reporting applies, i.e. the buyer of the option/swaption should be identified as the buyer.

468. The price of credit default swaps and credit total return swaps should be reported in the fields 'Fixed rate', 'Spread' and 'Other payment amount' (with field 'Other payment type' ='UFRO'). More details are provided in the section 4.174.17 of this guideline.

469. For Credit Default Swaps (CDS), when an underlying is reported, the ISIN of the reference obligation should be provided (field 2.14).

470. The strike price of credit swaptions quoted in spread, when this strike price is expressed as percentage, should be reported with value up to 11 numeric characters including up to 10 decimal places; e.g.: 2.1 instead of 2.1% (fields 2.134 and 2.137).

471. The seniority of the debt security, or debt basket or index underlying a derivative should be reported in 'Seniority' field for credit derivatives (field 2.143).

472. If it is applicable, the series number of the composition of the index used should be reported for credit derivatives as well as a new version of a series is issued if one of the constituents defaults and the index has to be re-weighted to account for the new number of total constituents within the index (fields 2.145 and 2.146).

473. If a credit derivative contract is tranched, field 2.148 'Tranche' should be reported as 'True'.

474. The field 2.47 'Delivery type' for credit derivatives in the case of credit event auction should be reported as 'CASH' (Cash) for credit derivatives that are cash-

settled. However, the counterparties should report 'PHYS' (Physical) in the case of physical delivery of the underlying of the credit derivative from the counterparty that is protection buyer to the other counterparty.

5.8.1 CDS

475. A French investment firm reports the recent purchase, priced with an internal model, of a default protection. This protection is based on a bilateral derivative entered into with an Irish investment entity. The notional of the derivative is 520.000.000 EUR. The derivative falls into the category of CDS tranche derivative with an attachment point of 10% and detachment point of 20%. The underlying of the derivative corresponds to a certain series of the Itraxx Europe index. A fixed monthly coupon of 1% is paid. The derivative is partially collateralised by the purchaser.

Table 40 - Reporting of a CDS			
No	**Field**	**Example**	**XML schema**
Table 1			
1	Reporting timestamp	2020-05-19T14:23:26Z	
2	Report submitting entity ID	12345678901234500000	
3	Entity responsible for reporting	12345678901234500000	
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
5	Nature of the counterparty 1	F	
6	Corporate sector of the counterparty 1	INVF	
7	Clearing threshold of counterparty 1	TRUE	
8	Counterparty 2 identifier type	TRUE	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
11	Nature of the counterparty 2	F	
12	Corporate sector of the counterparty 2	INVF	

```
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  <CtrPrty>
     <RptgCtrPty>
       <Id>
         <Lgl>

<LEI>12345678901234500000</LEI>
         </Lgl>
       </Id>
          <Ntr>
           <FI>
               <Sctr>
                <Cd>INVF</Cd>
               </Sctr>
               <ClrThrshld>true
               </ClrThrshld>
              </FI>
          </Ntr>
          <DrctnOrSd>
           <Drctn>
               <CtrPtySd>BYER
               </CtrPtySd
           </Drctn>
          </DrctnOrSd>
     </RptgCtrPty>
     <OthrCtrPty>
      <Id>
       <Lgl>
        <LEI>ABCDEFGHIJKLMNOPQRST
        </LEI>
       </Lgl>
```

Table 40 - Reporting of a CDS			
No	Field	Example	XML schema
17	Direction	BYER	
Table 2			
1	UTI	AABBCCDDEEFFGGHHIIPP	
5	PTRR ID		
9	Product classification	SCVCCA	
10	Contract type	SWAP	
11	Asset class	CRDT	
13	Underlying identification type	X	
14	Underlying identification		
15	Indicator of the underlying index		
16	Name of the underlying index	ITRAXX EUROPE SERIES 28 V	
21	Valuation amount	8954030.09	
22	Valuation currency	EUR	
23	Valuation timestamp	2020-05-19T14:23:26Z	
24	Valuation method	MTMO	
26	Collateral portfolio indicator	FALSE	
28	Confimation timestamp	2020-05-18T14:39:32Z	
29	Confirmed	ECNF	
30	Clearing obligation	UKWN	
31	Cleared	N	
37	Intragroup	FALSE	
38	PTRR	FALSE	
41	Venue of execution	XXXX	
42	Execution timestamp	2020-05-18T14:39:32Z	
43	Effective date	2020-05-19	
44	Expiration date	2022-12-20	
47	Delivery type	PHYS	

```
      </Id>
      <Ntr>
          <FI>
             <Sctr>
               <Cd>INVF</Cd>
             </Sctr>
          </FI>
       </Ntr>
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    <SubmitgAgt>
     <LEI>1234567890
     1234500000</LEI>
    </SubmitgAgt>
    <NttyRspnsblForRpt>
     <LEI>
     12345678901234500000</LEI>
    </NttyRspnsblForRpt>
  </CtrPrty>
   <Valtn>
    <CtrctVal>
       <Amt Ccy="EUR">
       8954030.09</Amt>
    </CtrctVal>
    <TmStmp>
    2020-05-19T14:23:26Z
    </TmStmp>
    <Tp>MTMO</Tp>
   </Valtn>
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  14:23:26Z</RptgTmStmp>
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  <CtrctData>
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    <AsstClss>CRDT</AsstClss>
    <PdctClssfctn>SCVCCA
    </PdctClssfctn>
    <UndrlygInstrm>
       <Indx>
          <Nm>ITRAXX EUROPE SERIES
           28 V</Nm>
       </Indx>
    </UndrlygInstrm>
  </CtrctData>
  <TxData>
   <TxId>
     <UnqTxIdr>
        AABBCCDDEEFF
         GGHHIIPP
     </UnqTxIdr>
   </TxId>
   <CollPrtflCd>
    <Prtfl>
     <NoPrtfl>NOAP</NoPrtfl>
```

Table 40 - Reporting of a CDS			
No	Field	Example	XML schema
55	Notional amount of leg 1	520000000	</Prtfl> </CollPrtflCd> <PltfmIdr>XXXX</PltfmIdr> <NtnlAmt> <FrstLeg> <Amt Ccy="EUR"> 520000000</Amt> </FrstLeg> </NtnlAmt> <DlvryTp>PHYS</DlvryTp> <ExctnTmStmp>2020-05-18 T14:39:32Z</ExctnTmStmp> <FctvDt>2020-05-19</FctvDt> <XprtnDt>2022-12-20</XprtnDt> <PstTradRskRdctnEvt> false</PstTradRskRdctnEvt> <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> <TradConf> <Confd> <Tp>ECNF</Tp> <TmStmp> 2020-05-18T14:39:32Z </TmStmp> </Confd> </TradConf> <TradClr> <ClrOblgtn>UKWN</ClrOblgtn> <ClrSts> <NonClrd><Rsn>NORE</Rsn> </NonClrd> </ClrSts> <IntraGrp>false</IntraGrp> </TradClr> <IntrstRate> <FrstLeg> <Fxd> <Rate> <Rate>0.01</Rate> </Rate> <DayCnt><Cd>A004 </Cd></DayCnt> <PmtFrqcy> <Term> <Unit>MNTH</Unit> <Val>1</Val> </Term> </PmtFrqcy> </Fxd> </FrstLeg> </IntrstRate> <Cdt> <Snrty>SNDB</Snrty> <Srs>28</Srs>
56	Notional currency 1	EUR	
79	Fixed rate of leg 1 or coupon	0.01	
80	Fixed rate or coupon day count convention leg 1	A004	
81	Fixed rate or coupon payment frequency period leg 1	MNTH	
82	Fixed rate or coupon payment frequency period multiplier leg 1	1	
143	Seniority	SNDB	
144	Reference entity		
145	Series	28	
146	Version	2	
147	Index factor	1	
148	Tranche	TRUE	
149	CDS index attachment point	0.10	
150	CDS index detachment point	0.20	
151	Action type	NEWT	
152	Event type	TRAD	
154	Level	TCTN	

Table 40 - Reporting of a CDS			
No	Field	Example	XML schema
			<Vrsn>2</Vrsn> <IndxFctr>1</IndxFctr> <Trch> <Trnchd> <AttchmntPt>0.10 </AttchmntPt> <DtchmntPt>0.20 </DtchmntPt> </Trnchd> </Trch> </Cdt> </TxData> </CmonTradData> <Lvl>TCTN</Lvl> </New>
Table 3			
7	Collateral timestamp	2020-05-18T14:39:32Z	
8	Collateral portfolio indicator	FALSE	
9	Collateral portfolio code		<MrgnUpd> <EvtDt>2020-05-18</EvtDt> <Coll> <CollPrtflCd> <Prtfl> <NoPrtfl>NOAP</NoPrtfl> </Prtfl> </CollPrtflCd> <CollstnCtgy>PRC1</CollstnCtgy> <TmStmp>2020-05-18T14:39:32Z</TmStmp> </Coll> <PstdMrgnOrColl> <VartnMrgnPstdPreHrcut> <Amt Ccy="EUR">1000000</Amt> </VartnMrgnPstdPreHrcut> <VartnMrgnPstdPstHrcut> <Amt Ccy="EUR">745000</Amt> </VartnMrgnPstdPstHrcut> </PstdMrgnOrColl> </MrgnUpd>
11	Collateralisation category	PRC1	
12	Initial margin posted by the counterparty 1 (pre-haircut)		
13	Initial margin posted by the counterparty 1 (post-haircut)		
14	Currency of the initial margin posted		
15	Variation margin posted by the counterparty 1 (pre-haircut)	1000000	
16	Variation margin posted by the counterparty 1 (post-haircut)	745000	

Table 40 - Reporting of a CDS			
No	Field	Example	XML schema
17	Currency of the variation margins posted	EUR	
20	Initial margin collected by the counterparty 1 (pre-haircut)		
21	Initial margin collected by the counterparty 1 (post-haircut)		
22	Currency of initial margin collected		
23	Variation margin collected by the counterparty 1 (pre-haircut)		
24	Variation margin collected by the counterparty 1 (post-haircut)		
25	Currency of variation margin collected		
28	Action type	MARU	
29	Event date	2020-05-18	

5.9 Reporting of commodity derivatives

476. Table 2 of the RTS on reporting contains dedicated fields for reporting of commodity derivatives: fields 2.116-2.118 for all commodity deriatives and additional fields 2.119-2.131 for energy derivatives.

477. In particular, the classification of commodities should be reported in the fields 2.116-2.118 in line with the categories specified in the Table 4 of the ITS on reporting. The reported classification of the underlying commodity should be as granular as possible. For example, in the case of derivatives on gold, the counterparty should specify ‘Metals’, ‘Precious’ and ‘Gold’ in the fields 2.116, 2.117 and 2.118, respectively. Only if the underlying commodity does not correspond to any of the specific categories included in the ITS on reporting, it should be reported as ‘Other’. In case no specific values are set out in the ITS on reporting for a given product for fields 2.117 and 2.118 (e.g. for the category ‘Multi Commodity Exotic’),

the counterparty should not report any values for these fields, in line with the XML schema.

478. The counterparties should not identify commodities in the currency fields, even if a dedicated code has been designated to such commodity in the ISO 4217 standard (e.g.XAU for gold or XBA for silver). The commodities should only be identified via commodity classification fields.

479. The commodity classification fields (2.116-2.118) are not repeatable. Therefore, in the case of commodity swaps including two commodity underlyings, the counterparty should report such swap as a complex trade composed of two commodity forwards and populate the Package ID in both reports (see section 4.28).

480. In the case of derivatives based on electricity or natural gas, the counterparties should report fields 2.119-2.131 (in addition to other relevant reportable details concerning the derivative and the counterparties, as illustrated in other sections).

481. The fields 2.122-2.131 for energy derivatives are repeatable. Additionally, for the field 2.127 'Days of the week' it is possible to report multiple values, e.g. MOND, TUED (Mo-Tu) or WDAY, XBHL (weekdays excluding bank holidays) or other combinations.

5.9.1 Electricity future

482. Table 41 shows an example of a peak load future on the price of electricity in the Spanish wholesale market. The contract is negotiated in MWh/h and the delivery should take place in Q2 2022 for a 100 MWh at 58 euros.

Table 41- Reporting of a peak-load electricity future

No	Field	Example	XML message
116	Base product	NRGY	<Cmmdty> <Ngry> <Elctrcty> <BasePdct>NRGY</BasePdct> <SubPdct>ELEC</SubPdct> <AddtlSubPdct>PKLD </AddtlSubPdct> </Elctrcty> </Ngry> </Cmmdty> <NrgySpcfcAttrbts> <DlvryPtOrZone> <Cd>10YES-REE------0</Cd> </DlvryPtOrZone> <IntrCnnctnPt> <Cd>XXXXXXXXXXXXXXXX</Cd> </IntrCnnctnPt> <LdTp>PKLD</LdTp> <DlvryAttr>

Table 41- Reporting of a peak-load electricity future			
No	**Field**	**Example**	**XML message**
			<DlvryIntrvl> <FrTm>08:00:00Z</FrTm> <ToTm>19:59:59Z</ToTm> </DlvryIntrvl> <DlvryDt> <FrDt>2022-04-01</FrDt> <ToDt>2022-06-30</ToDt> </DlvryDt> <Drtn>QURT</Drtn> <WkDay>WDAY</WkDay> <DlvryCpcty> <Qty>100</Qty> </DlvryCpcty> <QtyUnit> <Cd>MWHH</Cd> </QtyUnit> <PricTmIntrvlQty> <Amt Ccy="EUR">58</Amt> </PricTmIntrvlQty> </DlvryAttr> </NrgySpcfcAttrbts>
117	Sub-product	ELEC	
118	Further sub-product	PKLD	
119	Delivery point or zone	10YES-REE------0	
120	Interconnection point	XXXXXXXXXXXXXXX	
121	Load type	PKLD	
122	Delivery interval start time	08:00:00Z	
123	Delivery interval end time	19:59:59Z	
124	Delivery start date	2022-04-01	
125	Delivery end date	2022-06-30	

Table 41- Reporting of a peak-load electricity future			
No	**Field**	**Example**	**XML message**
126	Duration	QURT	
127	Days of the week	WDAY	
128	Delivery capacity	100	
129	Quantity unit	MWHH	
130	Price/time interval quantity	58	
131	Currency of the price/time interval quantity	EUR	

6 EMIR Tables of fields

483. Article 1(1) of the RTS on reporting provides that "Reports to trade repositories made pursuant to Article 9 of Regulation (EU) No 648/2012 shall include the complete and accurate details set out in Tables 1, 2 and 3 of the Annex that pertain to the derivative concerned." The use cases included in sections 6.1, 6.2, and 6.3 do not necessarily include all the fields that pertain to the derivative concerned, but they focus on specific sections of data fields in order to provide more granular and detailed guidance on the reporting without any unnecessary repetition or inclusion of other data elements.

484. The validation rules contain the complete guidance on applicable fields per action type and level, as well as the relevant dependencies.

485. The following sections include various scenarios and corresponding tables clarifying how these scenarios should be reported. Each table shows the reporting fields under the ITS on reporting. The column 'Field' shows each field name, and the column 'Example' provides an example of what would be included in that field. The final column entitled 'XML Message' shows the format of the XML message which should be submitted in the report.

486. Unless otherwise stated in the specific scenario, the following background information applies to all scenarios set out in section 6:

Counterparty A is a German financial counterparty identified with LEI 12345678901234500000

Counterparty B is an Italian financial counterparty identified with LEI ABCDEFGHIJKLMNOPQRST

Counterparty C is a Spanish NFC- identified with LEI 123456789ABCDEFGHIJK

Counterparty D is a French NFC+ identified with LEI 11223344556677889900

Counterparty J acts also as a clearing member and is identified with LEI CCCCCCCCCCCCCCCCCCCC

CCP O is identified with LEI BBBBBBBBBB1111111111

6.1 Table 1 Counterparty data

487. This section of the Guidelines details the population of the counterparty data section for several different use cases. The actual reporting in accordance with the ISO 20022 XML schemas is provided too.

488. When a derivative is cleared, each counterparty should report in the 'Clearing member' field its clearing member.

489. When a voluntary delegation of reporting or allocation of responsibility exists, the report submitting entity or entity responsible for reporting should submit separately the counterparty data, the contract data and collateral data for each of the two sides reported.

490. When there are use cases that cover two or more of the use cases included below, the reporting counterparties, the entities responsible for reporting or the report submitting entities should include all the relevant details based on the below guidance.

Table 42
Use Cases
Cleared Option between FCs (ETD)
Cleared Option between FCs with voluntary delegation agreement (ETD)
Non-Cleared Option between FCs
OTC Option between NFC - and FC
OTC Option between NFC - and NFC +
OTC Contract type between FCs which requires the population of fields 'Direction of Leg 1' and 'Direction of Leg 2'

6.1.1 Cleared Option between FCs (ETD)

491. Table 43 illustrates reporting of an ETD cleared option where the counterparty 1 (counterparty A with LEI 12345678901234500000) is a German Financial Counterparty above the clearing thresholds, submit its own report (i.e. there is no separate report submitting entity) and is the entity responsible for reporting. The

option is concluded with the counterparty 2 (counterparty B with LEI ABCDEFGHIJKLMNOPQRST) which is an Italian Financial Counterparty above the clearing threshold. Counterparty A accesses the CCP via clearing member J (counterparty J with LEI CCCCCCCCCCCCCCCCCCCC).

492. It should be noted that 'Central counterparty' field pertains to Table 2, and hence its population is covered in section 6.2.

Table 43 - Cleared Option between FCs (ETD)			
No	**Field**	**Example**	**Xml message**
1	Reporting timestamp	2021-03-17T15:17:00Z	<CtrPtySpcfcData><CtrPrty><RptgCtrPty><Id><Lgl><LEI>12345678901234500000</LEI></Lgl></Id><Ntr><FI><Sctr><Cd>CDTI</Cd></Sctr><ClrThrshld>true</ClrThrshld></FI></Ntr><DrctnOrSd><Drctn><CtrPtySd>BYER</CtrPtySd></Drctn></DrctnOrSd></RptgCtrPty><OthrCtrPty><Id><Lgl><LEI>ABCDEFGHIJKLMNOPQRST</LEI></Lgl></Id><Ntr><FI><Sctr><Cd>CDTI</Cd></Sctr><ClrThrshld>true</ClrThrshld></FI></Ntr><RptgOblgtn>true</RptgOblgtn></OthrCtrPty>
2	Report submitting entity ID	12345678901234500000	
3	Entity responsible for reporting	12345678901234500000	
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
5	Nature of the counterparty 1	F	
6	Corporate sector of the counterparty 1	CDTI	
7	Clearing threshold of counterparty 1	TRUE	
8	Counterparty 2 identifier type	TRUE	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
10	Country of the counterparty 2		
11	Nature of the counterparty 2	F	
12	Corporate sector of the counterparty 2	CDTI	
13	Clearing threshold of counterparty 2	TRUE	

Table 43 - Cleared Option between FCs (ETD)			
No	**Field**	**Example**	**Xml message**
14	Reporting obligation of the counterparty 2	TRUE	<SubmitgAgt><LEI>12345678901234500000</LEI></SubmitgAgt><NttyRspnsblForRpt><LEI>12345678901234500000</LEI></NttyRspnsblForRpt><ClrMmb><Lgl><LEI>CCCCCCCCCCCCCCCCCCCC</LEI></Lgl></ClrMmb></CtrPrty><RptgTmStmp>2020-05-19T14:23:26Z</RptgTmStmp></CtrPtySpcfcData>
15	Broker ID		
16	Clearing member	CCCCCCCCCCCCCCCCCCCC	
17	Direction	BYER	
18	Direction of leg 1		
19	Direction of leg 2		
20	Directly linked to commercial activity or treasury financing		

6.1.2 Cleared Option between FCs with voluntary delegation agreement (ETD)

493. Table 44 illustrates reporting of an ETD cleared option where the counterparty 1 (counterparty A with LEI 12345678901234500000) is a German Financial Counterparty above the clearing thresholds, is the entity responsible for reporting but delegates its reporting to the other counterparty (counterparty B with LEI ABCDEFGHIJKLMNOPQRST). The option is concluded with the counterparty 2 (counterparty B) which is an Italian Financial Counterparty above the clearing threshold.

494. Counterparty A accesses the CCP via clearing member J (counterparty J with LEI CCCCCCCCCCCCCCCCCCCC).

495. It should be noted that 'Central counterparty' field pertains to Table 2, and hence its population is covered in section 6.2.

Table 44 - Cleared Option between FCs with voluntary delegation agreement (ETD)			
No	**Field**	**Example**	**Xml message**
1	Reporting timestamp	2021-03-17T15:17:00Z	<CtrPtySpcfcData><CtrPty><RptgCtrPty><Id><Lgl><LEI>12345678901234500000</LEI></Lgl>
2	Report submitting entity ID	ABCDEFGHIJKLMNOPQRST	
3	Entity responsible for reporting	12345678901234500000	

Table 44 - Cleared Option between FCs with voluntary delegation agreement (ETD)			
No	**Field**	**Example**	**Xml message**
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	</Id> <Ntr> <FI> <Sctr> <Cd>CDTI</Cd> </Sctr> <ClrThrshld>true </ClrThrshld> </FI> </Ntr> <DrctnOrSd> <Drctn> <CtrPtySd>BYER </CtrPtySd </Drctn> </DrctnOrSd> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <LEI> ABCDEFGHIJKLMNOPQRST </LEI> </Lgl> </IdTp> <Ntr> <FI> <Sctr> <Cd>CDTI</Cd> </Sctr> <ClrThrshld>true </ClrThrshld> </FI> </Ntr> <RptOblgtn>true </RptOblgtn> </OthrCtrPty> <SubmitgAgt> <LEI> ABCDEFGHIJKLMNOPQRST </LEI> </SubmitgAgt> <NttyRspnsblForRpt> <LEI> 12345678901234500000 </LEI> </NttyRspnsblForRpt> <ClrMmb> <LEI> CCCCCCCCCCCCCCCCCCC </LEI> </ClrMmb> </CtrPty> <RptgTmStmp>
5	Nature of the counterparty 1	F	
6	Corporate sector of the counterparty 1	CDTI	
7	Clearing threshold of counterparty 1	TRUE	
8	Counterparty 2 identifier type	TRUE	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
10	Country of the counterparty 2		
11	Nature of the counterparty 2	F	
12	Corporate sector of the counterparty 2	CDTI	
13	Clearing threshold of counterparty 2	TRUE	
14	Reporting obligation of the counterparty 2	TRUE	
15	Broker ID		
16	Clearing member	CCCCCCCCCCCCCCCCCCC	
17	Direction	BYER	
18	Direction of leg 1		
19	Direction of leg 2		
20	Directly linked to commercial activity or treasury financing		

Table 44 - Cleared Option between FCs with voluntary delegation agreement (ETD)			
No	**Field**	**Example**	**Xml message**
			2021-03-17T15:17:00Z </RptgTmStmp> </CtrPtySpcfcData>

6.1.3 Non-Cleared Option between FCs

496. Table 45 illustrates reporting of a non cleared option where the counterparty 1 (counterparty A with LEI 12345678901234500000) is a German Financial Counterparty above the clearing thresholds, is the entity responsible for reporting and report its own report. The option is concluded with the counterparty 2 (counterparty B with LEI ABCDEFGHIJKLMNOPQRST) which is an Italian Financial Counterparty above the clearing threshold.

Table 45 – Non cleared option between FCs			
No	**Field**	**Example**	**Xml message**
1	Reporting timestamp	2021-03-17T15:17:00Z	<CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl><LEI> 12345678901234500000 </LEI></Lgl> </Id> <Ntr> <FI><Sctr> <Cd>CDTI</Cd> </Sctr> <ClrThrshld>true </ClrThrshld></FI> </Ntr> <DrctnOrSd> <Drctn> <CtrPtySd>BYER </CtrPtySd </Drctn> </DrctnOrSd> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <LEI> ABCDEFGHIJKLMNOPQRST
2	Report submitting entity ID	12345678901234500000	
3	Entity responsible for reporting	12345678901234500000	
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
5	Nature of the counterparty 1	F	

Table 45 – Non cleared option between FCs			
No	**Field**	**Example**	**Xml message**
6	Corporate sector of the counterparty 1	CDTI	</LEI> </Lgl> </IdTp> <Ntr> <FI><Sctr> <Cd>CDTI</Cd> </Sctr> <ClrThrshld>true </ClrThrshld></FI> </Ntr> <RptOblgtn>true </RptOblgtn> </OthrCtrPty> <SubmitgAgt> <LEI> 12345678901234500000 </LEI> </SubmitgAgt> <NttyRspnsblForRpt> <LEI> 12345678901234500000 </LEI> </NttyRspnsblForRpt> </CtrPty> <RptgTmStmp> 2021-03-17T15:17:00Z </RptgTmStmp> </CtrPtySpcfcData>
7	Clearing threshold of counterparty 1	TRUE	
8	Counterparty 2 identifier type	TRUE	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
10	Country of the counterparty 2		
11	Nature of the counterparty 2	F	
12	Corporate sector of the counterparty 2	CDTI	
13	Clearing threshold of counterparty 2	TRUE	
14	Reporting obligation of the counterparty 2	TRUE	
15	Broker ID		
16	Clearing member		

Table 45 – Non cleared option between FCs			
No	**Field**	**Example**	**Xml message**
17	Direction	BYER	
18	Direction of leg 1		
19	Direction of leg 2		
20	Directly linked to commercial activity or treasury financing		

6.1.4 OTC Option between NFC - and FC

497. Table 46 illustrates reporting of OTC option where the counterparty 1 (counterparty C with LEI 123456789ABCDEFGHIJK) is a Spanish Non-Financial Counterparty below the clearing thresholds. The option is concluded with the counterparty 2 (counterparty A with LEI 12345678901234500000) which is a German Financial Counterparty above the clearing threshold. In this case the counterparty A is entity responsible for reporting and the report submitting entity in accordance with the provisions on allocation of responsibility for reporting.

Table 46 – OTC between NFC- and FC			
No	**Field**	**Example**	**Xml message**
1	Reporting timestamp	2021-03- 17T15:17:00Z	<CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl><LEI> 123456789ABCDEFGHIJK </LEI></Lgl> </Id> <Ntr> <NFI><Sctr><Id>K </Id></Sctr> <ClrThrshld>false </ClrThrshld> <DrctlyLkdActvty> false </DrctlyLkdActvty> </NFI>
2	Report submitting entity ID	12345678901234500000	
3	Entity responsible for reporting	12345678901234500000	
4	Counterparty 1 (Reporting counterparty)	123456789ABCDEFGHIJK	
5	Nature of the counterparty 1	N	

Table 46 – OTC between NFC- and FC			
No	**Field**	**Example**	**Xml message**
6	Corporate sector of the counterparty 1	K	</Ntr> <DrctnOrSd> <Drctn> <CtrPtySd>BYER </CtrPtySd </Drctn> </DrctnOrSd> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <LEI> 12345678901234500000 </LEI> </Lgl> </IdTp> <Ntr> <FI><Sctr><Cd>CDTI </Cd></Sctr> <ClrThrshld>true </ClrThrshld></FI> </Ntr> <RptOblgtn>true </RptOblgtn> </OthrCtrPty> <SubmitgAgt> <LEI> 12345678901234500000 </LEI> </SubmitgAgt> <NttyRspnsblForRpt> <LEI> 12345678901234500000 </LEI> </NttyRspnsblForRpt> </CtrPty> <RptgTmStmp> 2021-03-17T15:17:00Z </RptgTmStmp> </CtrPtySpcfcData> … <Lvl>TCTN</Lvl>
7	Clearing threshold of counterparty 1	FALSE	
8	Counterparty 2 identifier type	TRUE	
9	Counterparty 2	12345678901234500000	
10	Country of the counterparty 2		
11	Nature of the counterparty 2	F	
12	Corporate sector of the counterparty 2	CDTI	
13	Clearing threshold of counterparty 2	TRUE	
14	Reporting obligation of the counterparty 2	TRUE	
15	Broker ID		
16	Clearing member	-	
17	Direction	BYER	
18	Direction of leg 1		
19	Direction of leg 2		
20	Directly linked to commercial activity or treasury financing	FALSE	
154	Level	TCTN	

6.1.5 OTC Option between NFC - and NFC +

498. Table 47 illustrates reporting of OTC option where the counterparty 1 (counterparty C with LEI 123456789ABCDEFGHIJK) is a Spanish Non-Financial Counterparty below the clearing thresholds. The option is concluded with the counterparty 2 (counterparty D with LEI 11223444556677889900) which is a

French Non-Financial Counterparty above the clearing threshold. Counterparty C is the entity responsible for reporting and the report submitting entity.

Table 47 – OTC between NFC- and NFC+			
No	**Field**	**Example**	**Xml message**
1	Reporting timestamp	2021-03-17T15:17:00Z	<CtrPtySpcfcData><CtrPty><RptgCtrPty><Id><Lgl><LEI>123456789ABCDEFGHIJK</LEI></Lgl></Id><Ntr><NFI><Sctr><Id>K</Id></Sctr><ClrThrshld>false</ClrThrshld><DrctlyLkdActvty>false</DrctlyLkdActvty></NFI></Ntr><DrctnOrSd><Drctn><CtrPtySd>BYER</CtrPtySd></Drctn></DrctnOrSd></RptgCtrPty><OthrCtrPty><IdTp><Lgl><LEI>ABCDEFGHIJKLMNOPQRST</LEI></Lgl></IdTp><Ntr><NFI><Sctr><Id>L</Id></Sctr><ClrThrshld>true</ClrThrshld></NFI></Ntr><RptOblgtn>true</RptOblgtn></OthrCtrPty><SubmitgAgt><LEI>123456789ABCDEFGHIJK</LEI></SubmitgAgt><NttyRspnsblForRpt><LEI>123456789ABCDEFGHIJK
2	Report submitting entity ID	123456789ABCDEFGHIJK	
3	Entity responsible for reporting	123456789ABCDEFGHIJK	
4	Counterparty 1 (Reporting counterparty)	123456789ABCDEFGHIJK	
5	Nature of the counterparty 1	N	
6	Corporate sector of the counterparty 1	K	
7	Clearing threshold of counterparty 1	FALSE	
8	Counterparty 2 identifier type	TRUE	
9	Counterparty 2	11223344556677889900	
10	Country of the counterparty 2		
11	Nature of the counterparty 2	N	
12	Corporate sector of the counterparty 2	L	
13	Clearing threshold of counterparty 2	TRUE	
14	Reporting obligation of the counterparty 2	TRUE	
15	Broker ID		
16	Clearing member		
17	Direction	BYER	
18	Direction of leg 1		

Table 47 – OTC between NFC- and NFC+			
No	**Field**	**Example**	**Xml message**
19	Direction of leg 2		</LEI> </NttyRspnsblForRpt> </CtrPty> <RptgTmStmp> 2021-03-17T15:17:00Z </RptgTmStmp> </CtrPtySpcfcData> … <Lvl>TCTN</Lvl>
20	Directly linked to commercial activity or treasury financing	FALSE	
154	Level	TCTN	

6.1.6 OTC Contract type which requires the population of fields ‘Direction of Leg 1’ and ‘Direction of Leg 2’ between FCs

499. Table 48 illustrates reporting of an OTC Contract type which requires the population of fields ‘Direction of Leg 1’ and ‘Direction of Leg 2’ where the counterparty 1 (counterparty A with LEI 12345678901234500000) is a German Financial Counterparty above the clearing thresholds. The contract is concluded with the counterparty 2 (counterparty B with LEI ABCDEFGHIJKLMNOPQRST) which is an Italian Financial Counterparty above the clearing threshold.

Table 48 - OTC Contract type which requires the population of fields Direction of Leg 1 and Direction of Leg 2 between FCs			
No	**Field**	**Example**	**Xml message**
1	Reporting timestamp	2021-03-17T15:17:00Z	<CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl><LEI> 12345678901234500000 </LEI></Lgl> </Id> <Ntr> <FI><Sctr><Cd>CDTI</Cd> </Sctr><ClrThrshld>true </ClrThrshld></FI> </Ntr> <DrctnOrSd><Drctn> <DrctnOfTheFrstLeg>MAKE </DrctnOfTheFrstLeg> <DrctnOfTheScndLeg>TAKE </DrctnOfTheScndLeg> </Drctn></DrctnOrSd>
2	Report submitting entity ID	12345678901234500000	
3	Entity responsible for reporting	12345678901234500000	
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
5	Nature of the counterparty 1	F	

Table 48 - OTC Contract type which requires the population of fields Direction of Leg 1 and Direction of Leg 2 between FCs			
No	**Field**	**Example**	**Xml message**
6	Corporate sector of the counterparty 1	CDTI	</RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <LEI> ABCDEFGHIJKLMNOPQRST </LEI> </Lgl> </IdTp> <Ntr> <FI><Sctr><Cd>CDTI</Cd> </Sctr><ClrThrshld>true </ClrThrshld></FI> </Ntr> <RptOblgtn>true </RptOblgtn> </OthrCtrPty> <SubmitgAgt> <LEI> 12345678901234500000 </LEI> </SubmitgAgt> <NttyRspnsblForRpt> <LEI> 12345678901234500000 </LEI> </NttyRspnsblForRpt> </CtrPty> <RptgTmStmp> 2021-03-17T15:17:00Z </RptgTmStmp> </CtrPtySpcfcData>
7	Clearing threshold of counterparty 1	TRUE	
8	Counterparty 2 identifier type	TRUE	
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
10	Country of the counterparty 2		
11	Nature of the counterparty 2	F	
12	Corporate sector of the counterparty 2	CDTI	
13	Clearing threshold of counterparty 2	TRUE	
14	Reporting obligation of the counterparty 2	TRUE	
15	Broker ID		
16	Clearing member		
17	Direction	-	
18	Direction of leg 1	MAKE	
19	Direction of leg 2	TAKE	
20	Directly linked to commercial activity or treasury financing		

6.2 Table 2 Common data

500. Following the population of the counterparty data fields, the population of the common data fields for different use cases is included. The reporting in accordance with the ISO 20022 XML schemas is provided too.

501. Each of the subsections includes a short description of the reporting logic for the relevant fields.

6.2.1 Reporting of action types at trade and position level

502. This subsection illustrates population of relevant fields to report lifecycle events.

6.2.1.1 New bilateral derivative at trade level that is not cleared

503. Table 49 illustrates the population of the reporting fields in case of a new derivative, which is not cleared. This is how the derivatives that are bilateral should be reported, at trade level.

Table 49 - New derivative at trade level that is not cleared

No	Field	Example	XML Message
2.1	UTI	UTI1	<New> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … <TradClr> <ClrSts> <NonClrd> <Rsn>NORE</Rsn> </NonClrd> </ClrSts> </TradClr> </TxData> … <Lvl>TCTN</Lvl> </New>
2.31	Cleared	N	
2.151	Action type	NEWT	
2.152	Event type	TRAD	
2.154	Level	TCTN	

6.2.1.2 New bilateral derivative at trade level that is cleared on the same day or after

504. Table 50, Table 51 and Table 52 illustrate the population of the reporting fields by a counterparty in case a new derivative is concluded bilaterally and cleared afterwards on the same day or after. Counterparties should submit a derivative report with action type 'Terminate' and event type 'Clearing' to indicate the termination of the trade reported as uncleared. Afterwards the counterparty should submit a derivative report with action type 'New' and event type 'Clearing' to indicate that the derivative has been cleared. The counterparty should provide 'Prior UTI' in this last report. The sequence of the submissions is illustrated in the below tables.

Table 50 - New bilateral derivative at trade level that is cleared on the same day or after

No	Field	Example	XML Message
2.1	UTI	UTI1	<New> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … <TradClr> <ClrSts> <NonClrd> <Rsn>NORE</Rsn> </NonClrd> </ClrSts> </TradClr> </TxData> … <Lvl>TCTN</Lvl> </New>
2.31	Cleared	N	
2.151	Action type	NEWT	
2.152	Event type	TRAD	
2.154	Level	TCTN	

Table 51 - Termination of the bilateral derivative at trade level due to clearing on the same day or after

No	Field	Example	XML Message
2.1	UTI	UTI1	<Termntn> …

Table 51 - Termination of the bilateral derivative at trade level due to clearing on the same day or after			
No	**Field**	**Example**	**XML Message**
2.151	Action type	TERM	<TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … <DerivEvt> <Tp>CLRG</Tp> </DerivEvt> … </TxData> … <Lvl>TCTN</Lvl> </Termntn>
2.152	Event type	CLRG	
2.154	Level	TCTN	

Table 52 - New cleared derivative at trade level resulting from clearing of a bilateral derivative on the same day or after			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI2	<New> … <TxData> <TxId> <UnqTxIdr> UTI2 </UnqTxIdr> </TxId> <PrrTxId> <UnqTxIdr> UTI1 </UnqTxIdr> </PrrTxId> … <DerivEvt> <Tp>CLRG</Tp> </DerivEvt> … <TradClr> <ClrSts> <Clrd> … </Clrd> </ClrSts> </TradClr>
2.3	Prior UTI	UTI1	
2.31	Cleared	Y	
2.151	Action type	NEWT	
2.152	Event type	CLRG	
2.154	Level	TCTN	

Table 52 - New cleared derivative at trade level resulting from clearing of a bilateral derivative on the same day or after			
No	**Field**	**Example**	**XML Message**
			</TxData> … <Lvl>TCTN</Lvl> </New>

505. Note that Table 50 and Table 51 report is not expected if the trade is concluded on a trading venue and cleared by a CCP on the same day, only Table 52 report is expected in such case (without 'Prior UTI' field). Furthermore, Table 52 illustrates the reporting in the case where a cleared derivative is not included immediately in a position (in which case it would be reported with action type POSC as clarified in the subsequent examples).

6.2.1.3 New bilateral derivative at trade level that is cleared on the same day or after and immediately included in the position

506. Table 53, 54, 55 and 56 illustrate the population of the reporting fields by a counterparty in case of a new derivative is concluded bilaterally, cleared afterwards on the same day or after and immediately included into a position. Counterparties should submit a derivative report with action type 'Terminate' and event type 'Clearing to indicate the termination of the trade which is cleared. Subsequently, they should report that cleared derivative, which is immediately included into a position, with action type 'Position component'. In the context of the examples for derivatives at position level, these are identified with Unique Trade Identifier (UTI) of the position, 'PUTI1'. Position UTI should also be reported in the field 'Subsequent position UTI' in the derivative at trade level that is included in the position so that the reports can be linked. Afterwards the counterparty should submit a derivative report with action type 'Modify' to indicate that the respective derivative at position level has been updated due to an inclusion of a trade. The sequence of the submissions is illustrated in the below tables.

Table 53 - New bilateral derivative at trade level that is cleared on the same day or after			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI1	<New> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr>
2.31	Cleared	N	
2.151	Action type	NEWT	

Table 53 - New bilateral derivative at trade level that is cleared on the same day or after			
No	**Field**	**Example**	**XML Message**
2.152	Event type	TRAD	</TxId> … <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … <TradClr> <ClrSts> <NonClrd> <Rsn>NORE</Rsn> </NonClrd> </ClrSts> </TradClr> </TxData> … <Lvl>TCTN</Lvl> </New>
2.154	Level	TCTN	

Table 54 - Termination of the bilateral derivative at trade level due to clearing on the same day or after			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI1	<Termntn> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … <DerivEvt> <Tp>CLRG</Tp> </DerivEvt> … </TxData> … <Lvl>TCTN</Lvl> </Termntn>
2.151	Action type	TERM	
2.152	Event type	CLRG	
2.154	Level	TCTN	

TABLE 55- NEW CLEARED DERIVATIVE WHICH IS INCLUDED IMMEDIATELY INTO A POSITION			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI2	<PosCmpnt> … <TxData> <TxId> <UnqTxIdr> UTI2 </UnqTxIdr> </TxId> <PrrTxId> <UnqTxIdr> UTI1 </UnqTxIdr> </PrrTxId> <SbsqntTxId> <UnqTxIdr> PUTI1 </UnqTxIdr> </SbsqntTxId> … <TradClr> <ClrSts> <Clrd> … </Clrd> </ClrSts> </TradClr> </TxData> … <Lvl>TCTN</Lvl> </PosCmpnt>
2.3	Prior UTI	UTI 1	
2.4	Subsequent position UTI	PUTI1	
2.31	Cleared	Y	
2.151	Action type	POSC	
2.152	Event type		
2.154	Level	TCTN	

Table 56 – Modification of a derivative at position level resulting from the inclusion of a trade			
No	**Field**	**Example**	**XML Message**
2.1	UTI	PUTI1	<Mod> … <TxData> <TxId> <UnqTxIdr> PUTI1 </UnqTxIdr>
2.31	Cleared	Y	
2.151	Action type	MODI	

Table 56 – Modification of a derivative at position level resulting from the inclusion of a trade			
No	**Field**	**Example**	**XML Message**
2.152	Event type	INCP	</TxId> … <DerivEvt> <Tp>INCP</Tp> </DerivEvt> … <TradClr> <ClrSts> <Clrd> … </Clrd> </ClrSts> </TradClr> </TxData> … <Lvl>PSTN</Lvl> </Mod>
2.154	Level	PSTN	

6.2.1.4 New derivative concluded on a trading venue and cleared on the same day, reported as position component

507. Table 57 and Table 58 illustrate the population of the reporting fields in case of a new derivative that is concluded on a trading venue or an organized trading platform and cleared by a central counterparty on the same day as well as included in a position on that same day. In particular, only the derivative in its cleared form should be reported. In the context of the examples for derivatives at position level, these are identified with Unique Trade Identifier (UTI) of the position, 'PUTI1'. Position UTI should also be reported in the field 'Subsequent position UTI' in the derivative at trade level that is included in the position so that the reports can be linked.

Table 57 - New derivative concluded on a trading venue and cleared by a CCP on the same day and reported with position component at trade level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI1	<PosCmpnt> … <TxData> <TxId> <UnqTxIdr>
2.4	Subsequent position UTI	PUTI2	

Table 57 - New derivative concluded on a trading venue and cleared by a CCP on the same day and reported with position component at trade level			
No	**Field**	**Example**	**XML Message**
2.31	Cleared	Y	UTI1 </UnqTxIdr> </TxId> <SbsqntTxId> <UnqTxIdr> PUTI2 </UnqTxIdr> </SbsqntTxId> … <TradClr> <ClrSts> <Clrd> … </Clrd> </ClrSts> </TradClr> </TxData> … <Lvl>TCTN</Lvl> </PosCmpnt>
2.151	Action type	POSC	
2.152	Event type		
2.154	Level	TCTN	

Table 58 - New derivative reported at position level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	PUTI2	<New> … <TxData> <TxId> <UnqTxIdr> PUTI2 </UnqTxIdr> </TxId> … <DerivEvt> <Tp>INCP</Tp> </DerivEvt> … <TradClr> <ClrSts> <Clrd> …
2.31	Cleared	Y	
2.151	Action type	NEWT[41]	
2.152	Event type	INCP	
2.154	Level	PSTN	

[41] In this example a new position is created. In the case where a cleared transaction is included in an existing position, it would be reported as modification of that position (with action type MODI) as in the example…

Table 58 - New derivative reported at position level			
No	**Field**	**Example**	**XML Message**
			</Clrd> </ClrSts> </TradClr> </TxData> … <Lvl>PSTN</Lvl> </New>

6.2.1.5 Modification of a derivative at position level due to inclusion of a new derivative into the position

508. This example illustrates how to report modification of a position when a new derivative at trade level is included in that position.

Table 59 - Modification of a derivative at position level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	PUTI1	<Mod> … <TxData> <TxId> <UnqTxIdr> PUTI1 </UnqTxIdr> </TxId> … <DerivEvt> <Tp>INCP</Tp> </DerivEvt> … </TxData> … <Lvl>PSTN</Lvl> </Mod>
2.151	Action type	MODI	
2.152	Event type	INCP	
2.154	Level	PSTN	

6.2.1.6 Modification of a derivative at position level due to multiple lifecycle events

509. This example illustrates how to report modification of a derivative at position level, when the position is impacted by several events during the day and it is not possible to specify the event type due to which the modification occured.

Table 60 - Modification of a derivative at position level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	PUTI1	<Mod> … <TxData> <TxId> <UnqTxIdr> PUTI1 </UnqTxIdr> </TxId> … </TxData> … <Lvl>PSTN</Lvl> </Mod>
2.151	Action type	MODI	
2.152	Event type		
2.154	Level	PSTN	

6.2.1.7 Modification of a derivative at trade level

510. Table 61 illustrates the population of the reporting fields in case a previously reported derivative at trade level is modified following to the counterparties' agreement to amend certain terms of the derivative.

Table 61 - Modification of a derivative at trade level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI1	<Mod> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> … </TxData> … <Lvl>TCTN</Lvl> </Mod>
2.151	Action type	MODI	
2.152	Event type	TRAD	
2.154	Level	TCTN	

6.2.1.8 Correction of a derivative at trade level

511. Table 62 illustrates the population of the reporting fields when there is a correction of data fields that were submitted wrongly in a previous report of a derivative at trade level.

Table 62 - Correction of a derivative at trade level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI1	<Crrctn> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … </TxData> … <Lvl>TCTN</Lvl> </Crrctn>
2.151	Action type	CORR	
2.152	Event type		
2.154	Level	TCTN	

6.2.1.9 Correction of the valuation of a derivative at trade level

512. Table 63 illustrates the population of the reporting fields when there is a correction of data fields pertaining to the valuation that were submitted wrongly in a previous report of a derivative at trade level. Please note that the population of the valuation fields is shown in a separate example in section 6.2.2.3.

Table 63 - Correction of a derivative at trade level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI1	<Crrctn> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … </TxData> … <Lvl>TCTN</Lvl> </Crrctn>
2.151	Action type	CORR	
2.152	Event type		
2.154	Level	TCTN	

6.2.1.10 Valuation of a derivative at trade level

513. Table 64 illustrates the population of the reporting fields when the counterparty submits a daily valuation update for a previously reported derivative at trade level. Please note that the population of the valuation fields is shown in a separate example in section 6.2.2.3.

Table 64 - Valuation of a derivative at trade level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI1	<ValtnUpd> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … </TxData> … <Lvl>TCTN</Lvl> </ValtnUpd>
2.151	Action type	VALU	
2.152	Event type		
2.154	Level	TCTN	

6.2.1.11 Reporting of margin update for a derivative collateralized at trade level

514. Table 65 illustrates the population of the reporting fields when the counterparty submits a daily margin update for a previously reported derivative at trade level and that derivative is individually collateralized. Please note that the population of the margin fields is shown in separate examples in section 6.3.

Table 65 - Margin update for a trade-level derivative collateralized at trade level			
No	**Field**	**Example**	**XML Message**
3.8	Collateral portfolio indicator	FALSE	<MrgnUpd> … <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> <Coll> <CollPrtflCd> <Prtfl> <NoPrtfl> NOAP </NoPrtfl>
3.9	Collateral portfolio code		
3.10	UTI	UTI1	
3.28	Action type	MARU	

Table 65 - Margin update for a trade-level derivative collateralized at trade level			
No	**Field**	**Example**	**XML Message**
			</Prtfl> </CollPrtflCd> … <MrgnUpd>

6.2.1.12 Reporting of margin update for a derivative collateralized at portfolio level

515. Table 66 illustrates the population of the reporting fields when the counterparty submits a daily margin update in case of a collateralisation at portfolio level. Please note that the population of the margin fields is shown in separate examples in section 6.3.

Table 66 - Margin update for a trade-level derivative collateralized at portfolio level			
No	**Field**	**Example**	**XML Message**
3.8	Collateral portfolio indicator	TRUE	<MrgnUpd> … <Coll> <CollPrtflCd> <Prtfl> <Cd> COLLPCODE1 </Cd> </Prtfl> </CollPrtflCd> … </MrgnUpd>
3.9	Collateral portfolio code	COLLPCODE1	
3.10	UTI		
3.28	Action type	MARU	

6.2.1.13 Correction of margin data at portfolio level

516. Table 67 illustrates the population of the reporting fields when there is a correction of margin data fields that were submitted wrongly in a previous report of collateral at portfolio level.

Table 67 - Correction of margin data at portfolio level			
No	**Field**	**Example**	**XML Message**
3.8	Collateral portfolio indicator	TRUE	<Crrctn> … <Coll> <CollPrtflCd>

Table 67 - Correction of margin data at portfolio level			
No	**Field**	**Example**	**XML Message**
3.9	Collateral portfolio code	COLLPCODE1	<Prtfl> <Cd> COLLPCODE1 </Cd> </Prtfl> </CollPrtflCd> … </Crrctn>
3.10	UTI		
3.28	Action type	CORR	

6.2.1.14 Early termination of a derivative at trade level

517. Table 68 illustrates the population of reporting fields when a derivative at trade level is terminated prior to its maturity date following the counterparties' agreement to early terminate (rather than due to a specific event resulting in a termination of a derivative).

Table 68 - Early termination of a derivative at trade level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI1	<Termntn> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … <DerivEvt> <Tp>ETRM</Tp> </DerivEvt> … </TxData> … <Lvl>TCTN</Lvl> </Termntn>
2.151	Action type	TERM	
2.152	Event type	ETRM	
2.154	Level	TCTN	

6.2.1.15 Early termination of a derivative at position level

518. Table 69 illustrates the population of reporting fields when a derivative at position level is terminated prior to its maturity date following the counterparties' agreement to early terminate (rather than due to a specific event resulting in a termination of a derivative). This can occur for example when the position is netted

to zero and the counterparties prefer to close the position rather than to continue to report valuation on a daily basis.

Table 69 - Early termination of a derivative at position level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	PUTI1	<Termntn> … <TxData> <TxId> <UnqTxIdr> PUTI1 </UnqTxIdr> </TxId> … <DerivEvt> <Tp>ETRM</Tp> </DerivEvt> … </TxData> … <Lvl>PSTN</Lvl> </Termntn>
2.151	Action type	TERM	
2.152	Event type	ETRM	
2.154	Level	PSTN	

6.2.1.16 Erroring a derivative at trade level

519. Table 70 illustrates the population of reporting fields in case of a cancellation of a wrongly submitted entire report where the derivative never came into existence or was not subject to EMIR reporting requirements, but which was reported to a TR by mistake.

Table 70 - Erroring a derivative at trade level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI1	<Err> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … </TxData> … <Lvl>TCTN</Lvl> </Err>
2.151	Action type	EROR	
2.152	Event type		
2.154	Level	TCTN	

6.2.1.17 Reviving a derivative at trade level

520. Table 71 illustrates the population of reporting fields in case where a derivative that was terminated or errored by mistake is revived.

Table 71 - Reviving a derivative at trade level			
No	**Field**	**Example**	**XML Message**
2.1	UTI	UTI1	<Revi> … <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> … </TxData> … <Lvl>TCTN</Lvl> </Revi>
2.151	Action type	REVI	
2.152	Event type		
2.154	Level	TCTN	

6.2.2 Other reportable details

6.2.2.1 Reporting of cleared / non-cleared trade

6.2.2.1.1 Cleared trade in an open offer model

521. When a trade is cleared in an open offer model, the clearing takes place at same time as the conclusion of the trade. Hence, execution timestamp and clearing timestamp are expected to be the same.

522. Table below illustrates the population of the Table 2 fields of the above-mentioned situation from the CCP (with LEI BBBBBBBBBB1111111111) and Counterparty 1 perspective, as in this case, it is identical.

523. The following group of reporting fields should be reported:

'Cleared' (field 2.31) is populated with 'Y';

'Clearing timestamp' (field 2.32) is equal to field 'Execution timestamp' (field 2.42);

'Central counterparty' (field 2.33) is populated with the LEI of the CCP.

Table 72 - Cleared trade in an open offer model			
Item	**Field**	**Example**	**XML Message**
31	Cleared	Y	<CmonTradData> <TxData> <ExctnTmStmp> 2021-03-17T15:17:00Z </ExctnTmStmp> <MstrAgrmt> <Tp> <Tp>OTHR</Tp> </Tp> <OthrMstrAgrmtDtls> CCP Clearing Conditions </OthrMstrAgrmtDtls> </MstrAgrmt> <TradClr> <ClrSts><Clrd> <Dtls> <CCP> <LEI>BBBBBBBBBB 1111111111 </LEI> </CCP> <ClrDtTm>2021-03- 17T15:17:00Z </ClrDtTm> </Dtls></Clrd> </ClrSts> </TradClr> </TxDate> </CmonTradData>
32	Clearing timestamp	2021-03-17T15:17:00Z	
33	Central counterparty	BBBBBBBBBB1111111111	
34	Master Agreement type	OTHR	
35	Other master agreement type	CCP Clearing Conditions	
43	Execution timestamp	2021-03-17T15:17:00Z	

6.2.2.1.2 Cleared trade in a novation model.

524. When a derivative is cleared in a novation model, the clearing takes place after the time of conclusion of the trade.

525. The table below illustrates the population of fields, from the CCP and the CP1 perspective, when a derivative is cleared by the CCP in a novation model.

526. In this respect, the following group of reporting fields should be reported:

'Prior UTI' (field 2.3) should be reported with the prior UTI (that of the original bilateral derivative in the case of CCP-cleared derivatives);

'Cleared' (field 2.31) is populated with 'Y';

'Clearing timestamp' (field 2.32) time is after the time provided in field 'Execution timestamp' (field 2.42);

'Central counterparty' (field 2.33) is populated with the LEI of the CCP.

Table 73 - Cleared derivative in a novation model

Item	Field	Example	XML Message
1	UTI	UTI2	<New> ... <CmonTradData> <TxDate> <TxId> <UnqTxIdr>UTI2</UnqTxIdr> </TxId> <PrrTxId> <UnqTxIdr>UTI1</UnqTxIdr> </PrrTxId> <ExctnTmStmp> 2021-03-17T15:17:00Z </ExctnTmStmp> <MstrAgrmt> <Tp> <Tp>OTHR</Tp> </Tp> <OthrMstrAgrmtDtls> CCP Clearing Conditions </OthrMstrAgrmtDtls> </MstrAgrmt> ... <DerivEvt> <Tp>CLRG</Tp> </DerivEvt> <TradClr> <ClrSts><Clrd> <Dtls> <CCP> <LEI BBBBBBBBBB1111111111 </LEI>
3	Prior UTI	UTI1	
31	Cleared	Y	
32	Clearing timestamp	2021-03-18T18:00:00Z	
33	Central counterparty	BBBBBBBBBB1111111111	
34	Master Agreement type	OTHR	
35	Other master agreement type	CCPClearing Conditions	
43	Execution timestamp	2021-03-	

Table 73 - Cleared derivative in a novation model			
Item	**Field**	**Example**	**XML Message**
		17T15:17:00Z	</CCP> <ClrDtTm> 2021-03-18T18:00:00Z </ClrDtTm> </Dtls></Clrd> </ClrSts> </TradClr> ... </TxDate> </CmonTradData> </New>
151	Action type	NEWT	
152	Event type	CLRG	

Table 74 - Termination of a previous derivative (alpha trade) in a novation model			
Item	**Field**	**Example**	**XML Message**
1	UTI	UTI1	<Termntn> ... <CmonTradData> <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> <EarlyTermntnDt> 2021-03-18 </EarlyTermntnDt> ... <DerivEvt> <Tp>CLRG</Tp> </DerivEvt> ... </TxData> </CmonTradData> </Termntn>
45	Early termination date	2021-03-18	
151	Action type	TERM	
152	Event type	CLRG	

6.2.2.1.3 Non-cleared trade

527. The field ’Cleared‘ (field 2.31) is populated with 'N'. The rest of the fields related to clearing are not populated.

Table 75 - Non cleared trade

No	Field	Example	XML Message
1	UTI	UTI1	<CmonTradData> <TxData> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> <ExctnTmStmp> 2021-03-17T15:17:00Z </ExctnTmStmp> <TradClr> <ClrSts> <NonClrd> <Rsn>NORE</Rsn> </NonClrd> </ClrSts> </TradClr> </TxData> </CmonTradData>
2	Report tracking number		
31	Cleared	N	
32	Clearing timestamp		
33	Central counterparty		
43	Execution timestamp	2021-03-17T15:17:00Z	

6.2.2.2 Trading venue

528. The field ’Venue of execution‘ (field 2.41) should be populated in accordance with the type of conclusion of the derivative.

529. The counterparties should use the ISO 10383 segment MIC for derivatives executed on a trading venue, Systematic Internaliser (SI) or organised trading platform outside of the Union. Where the segment MIC does not exist, they should use the operating MIC.

530. The counterparties should use the MIC code 'XOFF' for financial instruments admitted to trading or traded on a trading venue or for which a request for admission was made, where the derivative on that financial instrument is not executed on a trading venue, SI or organised trading platform outside of the Union, or where a counterparty does not know it is trading with a counterparty 2 acting as an SI.

531. The counterparties should use the MIC code 'XXXX' for financial instruments that are not admitted to trading or traded on a trading venue or for which no request for admission has been made and that are not traded on an organised trading platform outside of the Union.

6.2.2.2.1 Example of two SIs facing each other

532. Two counterparties, A and B, that are both SIs, trade with each other. For this derivative, counterparty A acts in the SI capacity, thus both entities should report MIC of that counterparty in the venue field.

533. Counterparty A is identified with LEI 12345678901234500000 and MIC 1234.

534. Counterparty B is identified with LEI ABCDEFGHIJKLMNOPQRST and MIC ABCD.

Table 76 - Reporting of the trading venue from the counterparty A perspective

Item	Field	Example	XML Message
4	Counterparty 1	12345678901234500000	<CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <Id> <LEI> 12345678901234500000 </LEI> </Id> </Lgl> </Id> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <Id> <LEI> ABCDEFGHIJKLMNOPQRST </LEI> </Id> </Lgl> </IdTp> </OthrCtrPty> ... </CtrPty> </CtrPtySpcfcData> <CmonTradData> <TxData> ... <PltfmId>1234</PltfmId> </TxData> </CmonTradData>
9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
41	Venue of execution	1234	

Table 76 - Reporting of the trading venue from the counterparty A perspective			
Item	**Field**	**Example**	**XML Message**

Table 77 - Reporting of the trading venue from the counterparty B perspective			
Item	**Field**	**Example**	**XML Message**
4	Counterparty 1	ABCDEFGHIJKLMNOPQRST	<CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <Id> <LEI> ABCDEFGHIJKLMNOPQRST </LEI> </Id> </Lgl> </Id> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <Id> <LEI> 12345678901234500000 </LEI> </Id> </Lgl> </IdTp> </OthrCtrPty> ... </CtrPty> </CtrPtySpcfcData> <CmonTradData> <TxData> ... <PltfmId>1234</PltfmId> </TxData> </CmonTradData>
9	Counterparty 2	12345678901234500000	
41	Venue of execution	1234	

Table 77 - Reporting of the trading venue from the counterparty B perspective			
Item	**Field**	**Example**	**XML Message**

6.2.2.2.2 Example of post Brexit derivative executed on a UK regulated market

535. Derivatives executed on UK regulated markets before Brexit would be considered ETD.

536. On the other hand, derivatives executed on UK regulated markets after Brexit would be considered OTC. The field 'Venue of execution' should still be populated with the corresponding MIC code. However, it would have impact on other fields such as the field 'Intragroup' and 'Clearing obligation' which are required for OTC derivatives.

Table 78 - Derivative executed before Brexit			
Item	**Field**	**Example**	**XML Message**
41	Venue of execution	XLON	<CmonTradData> <TxData> … <PltfmId>XLON</PltfmId> <ExctnTmStmp> 2020-12-31T17:00:00Z </ExctnTmStmp> … </TxData> </CmonTradData>
43	Execution timestamp	2020-12-31T17:00:00Z	
30	Clearing obligation		
37	Intragroup		

Table 79 - Derivative executed after Brexit			
Item	**Field**	**Example**	**XML Message**
41	Venue of execution	XLON	<CmonTradData> <TxData> … <PltfmId>XLON</PltfmId> <ExctnTmStmp> 2021-01-04T15:00:00Z </ExctnTmStmp> … <TradClr> <ClrOblgtn>false </ClrOblgtn> <IntraGrp>false</IntraGrp> </TradClr> … </TxData> </CmonTradData>
43	Execution timestamp	2021-01-04T15:00:00Z	
30	Clearing obligation	FALSE	
37	Intragroup	FALSE	

6.2.2.3 Reporting of valuations

537. Table 80 illustrates the population of the valuation data when the counterparty submits a daily valuation update for a previously reported derivative at trade level.

6.2.2.3.1 Valuation of a derivative at trade level

538. In this example, the counterparty A (with LEI 12345678901234500000) is buyer of a call option that is in-the-money and which has been valued on the preceding day at 221,100 EUR. Given that the derivative concerned is an option, the delta is computed and populated (0.6). Counterparty B (with LEI ABCDEFGHIJKLMNOPQRST) is the seller.

Table 80 - Valuation of a derivative at trade level			
No	**Field**	**Example**	**XML Message**
1.1	Reporting timestamp	2023-05-16T19:15:05Z	<ValtnUpd> <CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <Lgl><Id><LEI> 12345678901234500000
1.2	Report submitting entity ID	12345678901234500000	

Table 80 - Valuation of a derivative at trade level			
No	**Field**	**Example**	**XML Message**
1.3	Entity responsible for reporting	12345678901234500000	
1.4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
2.8	Counterparty 2 identifier type	TRUE	
2.9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
2.1	UTI	UTI1	
2.21	Valuation amount	221100	
2.22	Valuation currency	EUR	
2.23	Valuation timestamp	2023-05-15T18:00:00Z	
2.24	Valuation method	MTMA	
2.25	Delta	0.6	
2.151	Action type	VALU	
2.153	Event date	2023-05-15	
2.154	Level	TCTN	

```
          </LEI></Id></Lgl>
        </Id>
      </RptgCtrPty>
      <OthrCtrPty>
        <IdTp>
          <Lgl><Id><LEI>
       ABCDEFGHIJKLMNOPQRST
          </LEI></Id></Lgl>
        </IdTp>
      </OthrCtrPty>
      <SubmitgAgt>
         <LEI>
       12345678901234500000
         </LEI>
      </SubmitgAgt>
      <NttyRspnsblForRpt>
         <LEI>
       12345678901234500000
         </LEI>
      </NttyRspnsblForRpt>
     </CtrPty>
     <Valtn>
      <CtrctVal>
        <Amt Ccy="EUR">
        221100</Amt>
      </CtrctVal>
      <TmStmp>
      2023-05-15T18:00:00Z
      </TmStmp>
      <Tp>MTMA</Tp>
      <Dlta>0.6</Dlta>
     </Valtn>
     <RptgTmStmp>
     2023-05-16T19:15:05Z
     </RptgTmStmp>
   </CtrPtySpcfcData>
   <CmonTradData>
     <TxData>
      <TxId>
        <UnqTradIdr>
        UTI1</UnqTradIdr>
      </TxId>
      <DerivEvt>
        <TmStmp>
        2023-05-15
        </TmStmp>
      </DerivEvt>
     </TxData>
   </CmonTradData>
  <Lvl><TCTN</Lvl>
</ValtnUpd>
```

6.2.2.3.2 Valuation of a derivative at position level

539. Table 81 illustrates the population of the valuation data for an IRS position when the position is netted to zero and the counterparties decide to maintain the position open (and thus submit the valuation daily).

Table 81 - Valuation of a derivative at position level

No	Field	Example	XML Message
1.1	Reporting timestamp	2023-06-06T20:00:00Z	<ValtnUpd> <CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <Lgl><Id><LEI> 12345678901234500000 </LEI></Id></Lgl> </Id> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl><Id><LEI> ABCDEFGHIJKLMNOPQRST </LEI></Id></Lgl> </IdTp> </OthrCtrPty> <SubmitgAgt> <LEI> 12345678901234500000 </LEI> </SubmitgAgt> <NttyRspnsblForRpt> <LEI> 12345678901234500000 </LEI> </NttyRspnsblForRpt> </CtrPty> <Valtn> <CtrctVal> <Amt Ccy="EUR"> 0</Amt> </CtrctVal> <TmStmp> 2023-06-06T20:00:00Z </TmStmp> <Tp>MTMA</Tp> </Valtn> <RptgTmStmp> 2023-05-16T19:15:05Z </RptgTmStmp> </CtrPtySpcfcData> <CmonTradData> <TxData>
1.2	Report submitting entity ID	12345678901234500000	
1.3	Entity responsible for reporting	12345678901234500000	
1.4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
2.8	Counterparty 2 identifier type	TRUE	
2.9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
2.1	UTI	PUTI1	
2.21	Valuation amount	0	
2.22	Valuation currency	EUR	
2.23	Valuation timestamp	2023-06-05T19:00:00Z	
2.24	Valuation method	MTMA	
2.151	Action type	VALU	
2.153	Event date	2023-06-05	

Table 81 - Valuation of a derivative at position level			
No	**Field**	**Example**	**XML Message**
2.154	Level	PSTN	<TxId> <UnqTradIdr> PUTI1</UnqTradIdr> </TxId> <DerivEvt> <TmStmp> 2023-06-05 </TmStmp> </DerivEvt> </TxData> </CmonTradData> <Lvl>PSTN</Lvl> </ValtnUpd>

6.2.2.4 Reporting of other payments

6.2.2.4.1 Reporting of upfront payment

540. Table 82 illustrates the population of the reporting fields when the counterparty A (with LEI12345678901234500000) which takes responsibility for the risk makes an initial payment to the counterparty B (with LEI ABCDEFGHIJKLMNOPQRST) to cover any future defaults and submits a report at the trade level.

Table 82 - Reporting of upfront payment			
No	**Field**	**Example**	**XML Message**
1.1	Reporting timestamp	2021-03-06T18:20:05Z	<New> <CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <Lgl><Id><LEI> 12345678901234500000 </LEI></Id></Lgl> </Id> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl><Id><LEI> ABCDEFGHIJKLMNOPQRST </LEI></Id></Lgl> </IdTp>
1.2	Report submitting entity ID	12345678901234500000	
1.3	Entity responsible for reporting	12345678901234500000	
1.4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
1.9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	

Table 82 - Reporting of upfront payment			
No	**Field**	**Example**	**XML Message**
2.1	UTI	123456	</OthrCtrPty> <SubmitgAgt> <LEI> 12345678901234500000 </LEI> </SubmitgAgt> <NttyRspnsblForRpt> <LEI> 12345678901234500000 </LEI> </NttyRspnsblForRpt> </CtrPty> <RptgTmStmp> 2023-03-06T18:20:05Z </RptgTmStmp> </CtrPtySpcfcData> <CmonTradData> <TxData> <TxId> <UnqTradIdr> 123456</UnqTradIdr> </TxId> <DerivEvt> <Tp>TRAD</Tp> </DerivEvt> <OthrPmt> <PmtAmt> <Amt Ccy="EUR"> 100000 </Amt> </PmtAmt> <PmtTp> <Tp>UFRO</Tp> </PmtTp> <PmtDt> 2021-03-05 </PmtDt> <PmtPyer> <Lgl><LEI> 12345678901234500000 </LEI></Lgl> </PmtPyer> <PmtRcvr> <Lgl> <Lgl><LEI> ABCDEFGHIJKLMNOPQRST
2.73	Other payment type	UFRO	
2.74	Other payment amount	100000	
2.75	Other payment currency	EUR	
2.76	Other payment date	2021-03-05	
2.77	Other payment payer	12345678901234500000	
2.78	Other payment receiver	ABCDEFGHIJKLMNOPQRST	
2.151	Action type	NEWT	
2.152	Event type	TRAD	
2.154	Level	TCTN	

Table 82 - Reporting of upfront payment			
No	**Field**	**Example**	**XML Message**
			</LEI> </Lgl> </PmtRcvr> </OthrPmt> … </TxData> </CmonTradData> <Lvl>TCTN</Lvl> </New>

6.2.2.4.2 Reporting of unwind payment

541. Table 83 illustrates the population of the reporting fields when the same counterparty A unwinds the full termination payment and submits a report at the trade level.

Table 83 - Reporting of unwind payment			
No	**Field**	**Example**	**XML Message**
1.1	Reporting timestamp	2021-03-06T18:20:05Z	<Termntn> <CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl><Id><LEI> 12345678901234500000 </LEI></Id></Lgl> </Id> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl><Id><LEI> ABCDEFGHIJKLMNOPQRST </LEI></Id></Lgl> </IdTp> </OthrCtrPty> <SubmitgAgt> <LEI> 12345678901234500000 </LEI> </SubmitgAgt>
1.2	Report submitting entity ID	12345678901234500000	
1.3	Entity responsible for reporting	12345678901234500000	
1.4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
1.9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
2.1	UTI	456789	
2.45	Early termination date	2021-03-05	

Table 83 - Reporting of unwind payment			
No	**Field**	**Example**	**XML Message**
2.73	Other payment type	UWIN	<NttyRspnsblForRpt> <LEI> 12345678901234500000 </LEI> </NttyRspnsblForRpt> </CtrPty> <RptgTmStmp> 2023-03-06T18:20:05Z </RptgTmStmp> </CtrPtySpcfcData> <CmonTradData> <TxData> <TxId> <UnqTradIdr> 456789</UnqTradIdr> </TxId> <EarlyTermntnDt> 2021-03-05 </EarlyTermntnDt> <DerivEvt> <Tp>ETRM</Tp> </DerivEvt> <OthrPmt> <PmtAmt> <Amt Ccy="EUR"> 70000 </Amt> </PmtAmt> <PmtTp> <Tp>UWIN</Tp> </PmtTp> <PmtDt> 2021-03-05 </PmtDt> <PmtPyer> <Lgl><LEI> 12345678901234500000 </LEI></Lgl> </PmtPyer> <PmtRcvr> <Lgl> <Lgl><LEI> ABCDEFGHIJKLMNOPQRST </LEI></Lgl> </Lgl> </PmtRcvr> </OthrPmt> …
2.74	Other payment amount	70000	
2.75	Other payment currency	EUR	
2.76	Other payment date	2021-03-05	
2.77	Other payment payer	12345678901234500000	
2.78	Other payment receiver	ABCDEFGHIJKLMNOPQRST	
2.151	Action type	TERM	
2.152	Event type	ETRM	
2.154	Level	TCTN	

Table 83 - Reporting of unwind payment			
No	**Field**	**Example**	**XML Message**
			</TxData> </CmonTradData> <Lvl>TCTN</Lvl> </Termntn>

6.2.2.4.3 Reporting of principal exchange

542. Table 84 illustrates the population of the reporting fields when a principal exchange takes place, related to a cross-currency swap.

543. In this example, counterparties A and B agreed an OTC derivative contract, which specifies:

- an initial exchange of notional currency in each different currency and the terms of that repayment of notional currency over the life of the swap;
- an exchange of regular payments benchmarked against two interest rates, denominated in two different currencies.

544. The counterparty A will pay 5M EUR and counterparty B will pay 4.3M GBP, as initial principal exchange for each of them. Counterparties will exchange payments each 6 months for agreed float-to-float 3-year IRS

545. The re-exchange of the same notional of currencies will take place at the maturity date.

546. The below table illustrates the reporting of principal exchange payments from the perspective of the counterparty A. The counterparty reports both the payments made and received, on the initial and final exchange date – given that all these payments are known at the time of reporting.

Table 84 - Reporting of notional exchanges from Counterparty A perspective			
No	**Field**	**Example**	**XML Message**
1.1	Reporting timestamp	2021-05-20T18:00:15Z	<CtrPtySpcfcData> <CtrPty> <RptgCtrPty> <Id> <Lgl> <Id> <LEI> 12345678901234500000 </LEI> </Id> </Lgl> </Id> <DrctnOrSd><Drctn>
1.2	Report submitting entity ID	12345678901234500000	
1.3	Entity responsible for reporting	12345678901234500000	

Table 84 - Reporting of notional exchanges from Counterparty A perspective			
No	**Field**	**Example**	**XML Message**
1.4	Counterparty 1 (Reporting counterparty)	12345678901234500000	<DrctnOfTheFrstLeg> TAKE </DrctnOfTheFrstLeg> <DrctnOfTheScndLeg> MAKE </DrctnOfTheScndLeg> </Drctn></DrctnOrSd> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <Id> <LEI> ABCDEFGHIJKLMNOPQRST </LEI> </Id> </Lgl> </IdTp> </OthrCtrPty> <SubmitgAgt> <LEI> 12345678901234500000 </LEI> </SubmitgAgt> <NttyRspnsblForRpt> <LEI> 12345678901234500000 </LEI> </NttyRspnsblForRpt> </CtrPty> <RptgTmStmp> 2021-05-20T18:00:15Z </RptgTmStmp> </CtrPtySpcfcData> <CmonTradData> <CtrctData> <CtrctTp>SWAP</CtrctTp> </CtrctData> <TxData> <TxId> <UnqTradIdr> AABB123456 </UnqTradIdr> </TxId> … <NtnlAmt> <FrstLeg><Amt> <Amt Ccy="EUR">5000000 </Amt></Amt></FrstLeg>
1.9	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
1.18	Direction of leg 1	TAKE	
1.19	Direction of leg 2	MAKE	
2.1	UTI	AABB123456	
2.10	Contract type	SWAP	
2.42	Execution timestamp	2021-05-19T13:10:25Z	
2.44	Expiration date	2024-05-18	
2.55	Notional amount of leg 1	5000000	
2.56	Notional currency 1	EUR	
2.64	Notional amount of leg 2	4300000	
2.65	Notional currency of leg 2	GBP	
2.73	Other payment type	PEXH	

Table 84 - Reporting of notional exchanges from Counterparty A perspective			
No	**Field**	**Example**	**XML Message**
2.74	Other payment amount	5000000	<ScndLeg><Amt> <Amt Ccy="GBP">4300000 </Amt></Amt></ScndLeg> </NtnlAmt> <ExctnTmStmp> 2021-05-19T13:10:25Z </ExctnTmStmp> <XprtnDt> 2024-05-18 </XprtnDt> <OthrPmt> <PmtAmt> <Amt Ccy="EUR"> 5000000</Amt> </PmtAmt> <PmtTp> <Tp>PEXH</Tp> </PmtTp> <PmtDt> 2021-05-20 </PmtDt> <PmtPyer> <Lgl> <LEI> 12345678901234500000 </LEI> </Lgl> </PmtPyer> <PmtRcvr> <Lgl> <LEI> ABCDEFGHIJKLMNOPQRST </LEI> </Lgl> </PmtRcvr> </OthrPmt> <OthrPmt> <PmtAmt> <Amt Ccy="GBP"> 4300000</Amt> </PmtAmt> <PmtTp> <Tp>PEXH</Tp> </PmtTp> <PmtDt> 2021-05-20 </PmtDt> <PmtPyer> <Lgl> <LEI> ABCDEFGHIJKLMNOPQRST
2.75	Other payment currency	EUR	
2.76	Other payment date	2021-05-20	
2.77	Other payment payer	12345678901234500000	
2.78	Other payment receiver	ABCDEFGHIJKLMNOPQRST	
2.73	Other payment type	PEXH	
2.74	Other payment amount	4300000	
2.75	Other payment currency	GBP	
2.76	Other payment date	2021-05-20	
2.77	Other payment payer	ABCDEFGHIJKLMNOPQRST	
2.78	Other payment receiver	12345678901234500000	

Table 84 - Reporting of notional exchanges from Counterparty A perspective			
No	**Field**	**Example**	**XML Message**
2.73	Other payment type	PEXH	</LEI> </Lgl> </PmtPyer> <PmtRcvr> <Lgl> <LEI> 12345678901234500000 </LEI> </Lgl> </PmtRcvr> </OthrPmt> <OthrPmt> <PmtAmt> <Amt Ccy="GBP"> 4300000</Amt> </PmtAmt> <PmtTp> <Tp>PEXH</Tp> </PmtTp> <PmtDt> 2021-05-18 </PmtDt> <PmtPyer> <Lgl> <LEI> 12345678901234500000 </LEI> </Lgl> </PmtPyer> <PmtRcvr> <Lgl> <LEI> ABCDEFGHIJKLMNOPQRST </LEI> </Lgl> </PmtRcvr> </OthrPmt> <OthrPmt> <PmtAmt> <Amt Ccy="EUR"> 5000000</Amt> </PmtAmt> <PmtTp> <Tp>PEXH</Tp> </PmtTp> <PmtDt> 2021-05-18 </PmtDt> <PmtPyer> <Lgl> <LEI> ABCDEFGHIJKLMNOPQRST
2.74	Other payment amount	4300000	
2.75	Other payment currency	GBP	
2.76	Other payment date	2024-05-18	
2.77	Other payment payer	12345678901234500000	
2.78	Other payment receiver	ABCDEFGHIJKLMNOPQRST	
2.73	Other payment type	PEXH	
2.74	Other payment amount	5000000	
2.75	Other payment currency	EUR	
2.76	Other payment date	2024-05-18	
2.77	Other payment payer	ABCDEFGHIJKLMNOPQRST	

Table 84 - Reporting of notional exchanges from Counterparty A perspective			
No	**Field**	**Example**	**XML Message**
2.78	Other payment receiver	12345678901234500000	</LEI> </Lgl> </PmtPyer> <PmtRcvr> <Lgl> <LEI> 12345678901234500000 </LEI> </Lgl> </PmtRcvr> </OthrPmt>

6.3 Table 3 Margin data

547. Counterparties should report all relevant types of collateral (initial margin, variation margin and excess collateral), providing both pre- and post-haircut values. Each type of collateral should be reported as a single figure, being the sum of the values of all assets posted/received expressed in a single currency.

548. Collateral can be reported on a portfolio basis. It is up to the reporting counterparty to determine what unique value to put in the field 'Collateral Portfolio Code', but this value should be consistent over the lifetime of the portfolio and not be re-assigned every day for the same portfolio. At the same time, different counterparties can use different collateral portfolio codes for the same set of derivatives.

6.3.1 Reporting of margin update for a new uncollateralised derivative

549. Table 85 illustrates the population of the reporting fields when the counterparty submits the margin report for an uncollateralised derivative . There is no need to send any further margin updates, unless the collateralisation category changes.

Table 85 – Report of margin update for an uncollateralized derivative			
No	**Field**	**Example**	**XML Message**
3.8	Collateral portfolio indicator	FALSE	<Rpt> <MrgnUpd> <TxId> <UnqTxIdr> UTI3 </UnqTxIdr> </TxId> <Coll> <CollPrtflCd>
3.9	Collateral portfolio code		
3.10	UTI	UTI3	

Table 85 – Report of margin update for an uncollateralized derivative			
No	**Field**	**Example**	**XML Message**
3.11	Collateralisation category	UNCL	<Prtfl> <NoPrtfl> <Rsn>NOAP</Rsn> </NoPrtfl> </Prtfl> </CollPrtflCd> <CollstnCtgy> UNCL </CollstnCtgy> </MrgnUpd> </Rpt>
3.28	Action type	MARU	

6.3.2 Reporting of margin for a new derivative collateralized at portfolio level

550. In the scenario below, the reporting counterparty, Counterparty J (with LEI CCCCCCCCCCCCCCCCCCCC) is also a clearing member. It reports the amount of 1,000,000 EUR posted as initial margin and the amount of 300,000 EUR as variation margin posted to CCP O (with LEI BBBBBBBBBB1111111111). The counterparty also reports excess collateral of 100,000 EUR.

Table 86 - Margin update at portfolio level for a cleared derivative			
No	**Field**	**Example**	**XML Message**
3.1	Reporting timestamp	2023-07-19T18:05:45Z	<MrgnUpd> <RptgTmStmp> 2023-07-19T18:05:45Z </RptgTmStmp> <CtrPtyId> <RptgCtrPty> <Id> <Lgl> <Id> <LEI> CCCCCCCCCCCCCCCCCC </LEI> </Id> </Lgl> </Id> </RptgCtrPty> <OthrCtrPty> <IdTp> <Lgl> <Id> <LEI> BBBBBBBBBB1111111111 </LEI> </Id> </Lgl>
3.2	Report submitting entity ID	CCCCCCCCCCCCCCCCCCCC	
3.3	Entity responsible for reporting	CCCCCCCCCCCCCCCCCCCC	
3.4	Counterparty 1 (Reporting counterparty)	CCCCCCCCCCCCCCCCCCCC	
3.5	Counterparty 2 identifier type	TRUE	
3.6	Counterparty 2	BBBBBBBBBB1111111111	

Table 86 - Margin update at portfolio level for a cleared derivative			
No	**Field**	**Example**	**XML Message**
3.7	Collateral timestamp	2023-07-18T18:00:00Z	</IdTp> </OthrCtrPty> <SubmitgAgt> <LEI> CCCCCCCCCCCCCCCCCCC </LEI> </SubmitgAgt> <NttyRspnsblForRpt> <LEI> CCCCCCCCCCCCCCCCCCC </LEI> </NttyRspnsblForRpt> </CtrPtyId> <EvtDt> 2023-07-18 </EvtDt> <Coll> <CollPrtflCd> <Prtfl> <Cd> CODEPORTFOLIO123 </Cd> </Prtfl> </CollPrtflCd> <CollstnCtgy> OWC1 </CollstnCtgy> <TmStmp> 2023-07-18T18:00:00Z </TmStmp> <PstdMrgnOrColl> <InitlMrgnPstdPreHrcut Ccy="EUR">1000000 </InitlMrgnPstdPreHrcut> <InitlMrgnPstdPstHrcut Ccy="EUR">1000000 </InitlMrgnPstdPstHrcut> <VartnMrgnPstdPreHrcut Ccy="EUR">300000 </VartnMrgnPstdPreHrcut> <VartnMrgnPstdPstHrcut Ccy="EUR">300000 </VartnMrgnPstdPstHrcut> <XcssCollPstd Ccy="EUR">100000 </XcssCollPstd> </PstdMrgnOrColl> </MrgnUpd>
3.8	Collateral portfolio indicator	TRUE	
3.9	Collateral portfolio code	CODEPORTFOLIO123	
3.10	UTI		
3.11	Collateralisation category	OWC1	
3.12	Initial margin posted by the counterparty 1 (pre-haircut)	1000000	
3.13	Initial margin posted by the counterparty 1 (post-haircut)	1000000	
3.14	Currency of the initial margin posted	EUR	
3.15	Variation margin posted by the counterparty 1 (pre-haircut)	300000	
3.16	Variation margin posted by the counterparty 1 (post-haircut)	300000	

Table 86 - Margin update at portfolio level for a cleared derivative			
No	**Field**	**Example**	**XML Message**
3.17	Currency of the variation margins posted	EUR	
3.18	Excess collateral posted by the counterparty 1	100000	
3.19	Currency of the excess collateral posted	EUR	
3.20	Initial margin collected by the counterparty 1 (pre-haircut)		
3.21	Initial margin collected by the counterparty 1 (post-haircut)		
3.22	Currency of initial margin collected		
3.23	Variation margin collected by the counterparty 1 (pre-haircut)		
3.24	Variation margin collected by the counterparty 1 (post-haircut)		
3.25	Currency of variation margin collected		

Table 86 - Margin update at portfolio level for a cleared derivative			
No	**Field**	**Example**	**XML Message**
3.26	Excess collateral collected by the counterparty 1		
3.27	Currency of excess collateral collected		
3.28	Action type	MARU	
3.29	Event date	2023-07-18	

6.3.3 Reporting of margin update at an individual transaction level for an uncleared derivative

551. In the next scenario, two counterparties exchange collateral for an uncleared derivative. Both counterparties post IM and VM according to the collateral agreement. Counterparty A (with LEI 12345678901234500000) posted 800,000 EUR of IM in cash and 220,000 EUR of IM in securities subject to 10% haircut. Counterparty B (with LEI ABCDEFGHIJKLMNOPQRST) posted 1,000,000 EUR of IM in cash. Counterparty B would also be expected to post 100,000 EUR of VM based on the most recent valuation of the contract, however this amount is below the minimum transfer amount (MTA) agreed between the counterparties.

Table 87- Margin update at an individual transaction level for an uncleared derivative			
No	**Field**	**Example**	**XML Message**
3.1	Reporting timestamp	2023-04-07T10:00:00Z	<MrgnUpd> <RptgTmStmp> 2023-04-07T10:00:00Z </RptgTmStmp> <CtrPtyId> <RptgCtrPty> <Id> <Lgl>
3.2	Report submitting entity ID	12345678901234500000	

Table 87- Margin update at an individual transaction level for an uncleared derivative			
No	**Field**	**Example**	**XML Message**
3.3	Entity responsible for reporting	12345678901234500000	<Id><LEI>12345678901234500000</LEI></Id></Lgl></Id></RptgCtrPty><OthrCtrPty><IdTp><Lgl><Id><LEI>ABCDEFGHIJKLMNOPQRST</LEI></Id></Lgl></IdTp></OthrCtrPty><SubmitgAgt><LEI>12345678901234500000</LEI></SubmitgAgt><NttyRspnsblForRpt><LEI>12345678901234500000</LEI></NttyRspnsblForRpt></CtrPtyId><EvtDt>2023-04-06</EvtDt><TxId><UnqTxIdr>UTI1</UnqTxIdr></TxId><Coll><CollPrtflCd><Prtfl><NoPrtfl>NOAP</NoPrtfl></Prtfl></CollPrtflCd><CollstnCtgy>FLCL</CollstnCtgy><TmStmp>2023-04-06T20:30:00Z
3.4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
3.5	Counterparty 2 identifier type	TRUE	
3.6	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
3.7	Collateral timestamp	2023-04-06T20:30:00Z	
3.8	Collateral portfolio indicator	FALSE	
3.9	Collateral portfolio code		
3.10	UTI	UTI1	
3.11	Collateralisation category	FLCL	
3.12	Initial margin posted by the counterparty 1 (pre-haircut)	1020000	
3.13	Initial margin posted by the counterparty 1 (post-haircut)	998000	
3.14	Currency of the initial margin posted	EUR	

Table 87- Margin update at an individual transaction level for an uncleared derivative			
No	**Field**	**Example**	**XML Message**
3.15	Variation margin posted by the counterparty 1 (pre-haircut)		</TmStmp> <PstdMrgnOrColl> <InitlMrgnPstdPreHrcut Ccy="EUR">1020000 </InitlMrgnPstdPreHrcut> <InitlMrgnPstdPstHrcut Ccy="EUR">998000 </InitlMrgnPstdPstHrcut> </PstdMrgnOrColl> <RcvdMrgnOrColl> <InitlMrgnRcvdPreHrcut Ccy="EUR"> 1000000 </InitlMrgnRcvdPreHrcut> <InitlMrgnRcvdPstHrcut Ccy="EUR"> 1000000 </InitlMrgnRcvdPstHrcut> <VartnMrgnRcvdPreHrcut Ccy="EUR"> 0 </VartnMrgnRcvdPreHrcut> <VartnMrgnRcvdPstHrcut Ccy="EUR"> 0 </VartnMrgnRcvdPstHrcut> </RcvdMrgnOrColl> </MrgnUpd>
3.16	Variation margin posted by the counterparty 1 (post-haircut)		
3.17	Currency of the variation margins posted		
3.18	Excess collateral posted by the counterparty 1		
3.19	Currency of the excess collateral posted		
3.20	Initial margin collected by the counterparty 1 (pre-haircut)	1000000	
3.21	Initial margin collected by the counterparty 1 (post-haircut)	1000000	
3.22	Currency of initial margin collected	EUR	
3.23	Variation margin collected by the	0	

Table 87- Margin update at an individual transaction level for an uncleared derivative			
No	**Field**	**Example**	**XML Message**
	counterparty 1 (pre-haircut)		
3.24	Variation margin collected by the counterparty 1 (post-haircut)	0	
3.25	Currency of variation margin collected	EUR	
3.26	Excess collateral collected by the counterparty 1		
3.27	Currency of excess collateral collected		
3.28	Action type	MARU	
3.29	Event date	2023-04-06	

7 Guidelines on derivatives data management

7.1 Trade State Report

7.1.1 Introduction

552. The correct preparation of the Trade State Report (TSR) by TRs is essential to ensure the achievement of one of the main objectives of EMIR – the monitoring of systemic risks to financial stability.

553. TRs should include the most up-to-date information relating to outstanding derivatives in the TSR in order to allow the authorities to have a direct and immediate access to the most granular information on existing risk exposures between counterparties. TRs should also allow each individual counterparty to have a clear understanding of its own exposures vis-à-vis each market participant with which it has an open derivative.

554. The requirements for TRs to produce TSR are included in Article 2 and 5 of the RTS on data access and Article 4 of the RTS on data quality.

555. In sections 0 and 4.6.2, ESMA provides clarifications on the allowable sequences of action types and on the allowable combinations between action types and event types. Furthermore, in section 4.9 ESMA includes guidance with regards to the timeliness of reporting of the conclusion, modification and termination of a derivative.

556. TRs should use the information reported by counterparties, ERRs and RSEs to prepare the TSR. The only instance where the TRs are allowed to update the most current TSR without an action by the aforementioned entities is detailed in section 7.1.7.

557. If a counterparty uses a third party to report their transactions, but the counterparty submits its valuation reporting itself, it should be possible for all the reporting information to be amalgamated in the TSR so that all the parties have all the relevant information available. In particular, the TSR provided to the authorities should contain all the information, including trade, valuation and margin data.

7.1.2 Treatment of event date

558. When constructing the TSR, TRs should take into account the lifecycle events based on the logical order derived from the fields ‘Event date’, ’Action type‘ and ’Event type‘. TRs should update the TSR based on the latest information for a given derivative as derived from the field ’Event date‘. In the case of valuation and margins reports with the same event date, the TRs should also consider the fields ‘Valuation timestamp’ and ‘Collateral timestamp’, respectively.

559. Where for a given event date there are several lifecycle events that affect the data reported for a given derivative, they should all be included in the latest report for that event date and the given action type. TRs should therefore consider the field ’Reporting timestamp‘ only with regards to the given event date.

560. TRs should ensure that derivative contracts that mature on a given day should still be included in the TSR for that day.

561. The information from previously submitted lifecycle events should in general persist in the TSR when counterparties report subsequent lifecycle events for which certain fields are not requested to be populated (i.e. not applicable). On the contrary, TRs should not preserve the previous information in the updated TSR when subsequent lifecycle events submitted by counterparties leave certain optional fields blank. Counterparties should consistently report optional information

in order to avoid the deletion of available information, which otherwise could lead to reconciliation breaks and missing information in the latest trade state.

562. TRs should update the state in the past for all outstanding derivatives, whereas for non-outstanding derivatives TRs should be in a position to update their state for up to ten years following their maturity or termination. This limit is related to the requirement under Article 80(3) of EMIR for TRs to keep records of derivatives for at least ten years following their maturity or termination.

563. Updating the state in the past does not imply that TRs should reproduce and dispatch corrected historical TSRs on a recurrent basis and in an automated manner every time late reports or lifecycle events referring to event dates in the past are received. The TSR produced for a specific date should be considered as a snapshot of all available information at a certain point in time. However, it is essential that TRs' internal databases should always be updated accordingly when such reports are received.

564. TRs should have in place a process for reproducing and dispatching corrected historical TSRs based on ad-hoc requests made by authorities or counterparties, RSEs and ERRs. Such TSRs, when reproduced, should include missing information from late submitted reports and lifecycle events referring to event dates in the past which were not included in the original TSR produced at a specific point in time in the past. TRs should make use of the versioning prefix part of the TRACE file name convention to distinguish old versions from more recent versions.

565. Below tables illustrate the logic for different use cases:

Use case 1: Lifecycle event 'NEWT' for a previous event date

Lifecycle event	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	NEWT	T	T-3	100	-	-

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
TR's database before update	T-4	-	-	-	-	-	-
	T-3	-	-	-	-	-	-
	T-2	-	-	-	-	-	-
	T-1	-	-	-	-	-	-
	T	-	-	-	-	-	-

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
TR's database after update	T-4	-	-	-	-	-	-
	T-3	NEWT	T	T-3	100	-	-
	T-2	NEWT	T	T-3	100	-	-
	T-1	NEWT	T	T-3	100	-	-
	T	NEWT	T	T-3	100	-	-

The TR should populate its database with the history from T-3 to T.

Use case 2: Lifecycle event 'MODI' for a previous event date

Lifecycle event	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	MODI	T	T-2	120	-	-

TR's database before update	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	-
	T-2	NEWT	T-3	T-3	100	-	-
	T-1	NEWT	T-3	T-3	100	-	-
	T	NEWT	T-3	T-3	100		

TR's database after update	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	-
	T-2	MODI	T	T-2	120	-	-
	T-1	MODI	T	T-2	120	-	-
	T	MODI	T	T-2	120	-	-

The TR should modify the information stored in its database from T-2 to T.

Use case 3: Lifecycle event 'CORR' including both trade and valuation details for a previous event date

Lifecycle event	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	CORR	T	T-2	140	110	T-2

TR's database before update	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	T-3
	T-2	VALU	T-2	T-2	100	95	T-2
	T-1	VALU	T-1	T-1	100	94	T-1
	T	VALU	T	T	100	93	T

TR's database after update	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	T-3
	T-2	CORR	T	T-2	140	110	T-2
	T-1	CORR	T	T-2	140	94	T-1
	T	CORR	T	T-2	140	93	T

The TR should correct the trade details from T-2 to T and the valuation details should only be corrected from T-2 to T-2 in order to preserve the more recent valuation updates.

Use case 4: Lifecycle event 'CORR' including both trade and valuation details for a previous event date which falls in between 'NEWT' and another lifecycle event (e.g. 'MODI')

Lifecycle event	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp

	CORR	T	T-2	140	110	T-2

TR's database before update	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	T-3
	T-2	VALU	T-2	T-2	100	95	T-2
	T-1	VALU	T-1	T-1	100	94	T-1
	T	MODI	T	T	120	94	T-1

TR's database after update	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	T-3
	T-2	CORR	T	T-2	140	110	T-2
	T-1	CORR	T	T-2	140	94	T-1
	T	MODI	T	T	120	94	T-1

The TR should correct the trade details from T-2 to T-1 in order to avoid overwriting the information from the more recent 'MODI' lifecycle event, and the valuation details should only be corrected from T-2 to T-2 in order to preserve the more recent valuation updates.

Use case 5: Lifecycle event 'TERM' for a previous event date

Lifecycle event	Action type	Reporting timestamp	Event date	Notional	Val.amount	Early term.date
	TERM	T	T-2	-	-	T-2

TR's database before update	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Early term.date
	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	T-3
	T-2	VALU	T-2	T-2	100	95	T-2
	T-1	VALU	T-1	T-1	100	94	T-1
	T	VALU	T	T	100	93	T

TR's database after update	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Early term.date
	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	T-3
	T-2	TERM	-	-	-	-	-
	T-1	-	-	-	-	-	-
	T	-	-	-	-	-	-

The TR should log the termination of the outstanding derivative on T-2 and should remove the history from that date onwards.

Use case 6: Lifecycle event 'VALU' for a previous event date

Lifecycle event	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	VALU	T	T-2	-	100	T-2

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
TR's database before update	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	-
	T-2	MODI	T-2	T-2	120	-	-
	T-1	MODI	T-2	T-2	120	-	-
	T	MODI	T-2	T-2	120	-	-

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
TR's database after update	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	-
	T-2	VALU	T	T-2	120	100	T-2
	T-1	VALU	T	T-2	120	100	T-2
	T	VALU	T	T-2	120	100	T-2

Since there is not any more recent valuation information, the TR should update the relevant valuation information from T-2 to T,and not only for T-2, trade detail information remains unchanged.

Use case 7: Lifecycle event 'VALU' for a previous event date which falls in between 'NEWT' and another 'VALU' lifecycle event

Lifecycle event	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	VALU	T	T-2	-	90	T-2

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
TR's database before update	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	-
	T-2	NEWT	T-3	T-3	100	-	-
	T-1	NEWT	T-3	T-3	100	-	-
	T	VALU	T	T	100	95	T

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
TR's database after update	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	-
	T-2	VALU	T	T-2	100	90	T-2
	T-1	VALU	T	T-2	100	90	T-2
	T	VALU	T	T	100	95	T

The TR should update the relevant valuation information from T-2 to T-1 and preserve the valuation information from the more recent 'VALU' lifecycle event.

Use case 8: Lifecycle event 'EROR'

Lifecycle event	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	EROR	T	T	-	-	-

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
TR's database before update	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	-
	T-2	NEWT	T-3	T-3	100	-	-
	T-1	NEWT	T-3	T-3	100	-	-
	T	NEWT	T-3	T-3	100	-	-

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
TR's database after update	T-4	-	-	-	-	-	-
	T-3	-	-	-	-	-	-
	T-2	-	-	-	-	-	-
	T-1	-	-	-	-	-	-
	T	-	-	-	-	-	-

The event date of an 'EROR' lifecycle event should always be equal to the reporting date. The TR should nevertheless remove the information from the inception date, i.e. the event date of 'NEWT'.

Use case 9: Lifecycle event 'REVI'

Lifecycle event	Action type	Reporting timestamp	Event date	Notional	Val.amount	Expiration.date
	REVI	T	T	100	94	T+20

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Expiration.date
TR's database before update	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	T+20
	T-2	VALU	T-2	T-2	100	94	T+20
	T-1	TERM	T-1	T-1			
	T	-	-	-	-	-	-

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Expiration.date
TR's database after update	T-4	-	-	-	-	-	-
	T-3	NEWT	T-3	T-3	100	-	-
	T-2	VALU	T-2	T-2	100	94	-
	T-1	REVI	T	T	100	94	T+20
	T	REVI	T	T	100	94	T+20

The event date of a 'REVI' lifecycle event should always be equal to the reporting date. The TR should nevertheless revive the derivative contract starting from the date of termination, i.e. T-1 in this case.

Use case 10: Reporting of multiple valuations for the same event date

Lifecycle event	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
	VALU	T	T-1		95	T 18:00:00

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
TR's database before update	T-4						
	T-3	NEWT	T-3	T-3	100	-	T-3 18:00:00
	T-2	VALU	T-2	T-2	100	95	T-2 18:00:00
	T-1	VALU	T-1	T-1	100	94	T-1 16:00:00
	T	VALU	T	T	100	93	T 18:00:00

	TSR Date	Action type	Reporting timestamp	Event date	Notional	Val.amount	Val.timestamp
TR's database after update	T-4						
	T-3	NEWT	T-3	T-3	100	-	T-3 18:00:00
	T-2	VALU	T-2	T-2	100	95	T-2 18:00:00
	T-1	VALU	T-1	T-1	100	95	T-1 18:00:00
	T	VALU	T	T	100	93	T 18:00:00

The entity has sent more than one valuation report for the same event date. In this case the TR should update the TSR for date T-1, because the valuation timestamp submitted in the second report is later than the valuation timestamp submitted in the first report.

The same logic should apply in the case of multiple margins reports for the same event date – in this case he TRs should consider the collateral timestamp.

7.1.3 Uniqueness of derivatives and special fields

566. The uniqueness of a derivative until the application of the revised RTS on reporting was ensured at the level of the combination of LEI1-LEI2-UTI. It should be noted that TRs used this unique combination to incorporate any modification or the termination to the derivative.

567. From the date of application of the revised technical standards on reporting under EMIR the uniqueness of derivatives concluded after that date should be ensured at the level of the UTI, i.e. for the derivatives concluded after that date there should not be two same UTIs, no matter the combination of counterparties. This is of course notwithstanding that for double-sided reports (i.e. where both sides report under EMIR), the same UTI would appear twice, reported by either of the counterparties.

568. From that date onwards, TRs should therefore use the full triplet (LEI1-LEI2-UTI) only to update the state of the derivatives concluded prior to the application date of the RTS on reporting. To update the state of derivatives concluded after the application date of the RTS on reporting, the TRs can use the combination LEI1-UTI. For simplicity, the TRs can use full triplet in all cases to update the state of the derivative (incl. derivatives concluded after the application date of the RTS on reporting). The uniqueness of the newly reported UTIs should be ensured by the counterparties and ERRs when reporting and by the TRs when verifying the reports in accordance with the validation rules.

569. Counterparties and TRs should be reminded that the requirement included in Article 8 of the ITS on reporting is the only way for reporting counterparties and ERRs to update the two LEIs.

570. Counterparties should not amend fields 1.4 ’Counterparty 1’, 1.9 ’Counterparty 2’ and 2.1 ‘UTI’ of previous submissions by submitting a report with action type ’CORR’ and TRs should not accept any such submissions. Furthermore, it is not possible to correct information reported in the fields ‘Event date’, ‘Event type’, ‘Reporting timestamp’ and ‘Action type’, as the information included in these fields in the report with action type ‘CORR’ will refer to the correction, rather than to the previous submissions.

7.1.4 Treatment of action type ‘Revive’.

571. When the counterparty or the ERR submits a report with action type ’Revive‘, the TR should process the report and based on the information included in the fields ’Expiration date‘ or ’Early termination date‘, assess whether to reinclude it in the TSR or simply update its internal database relating to that derivative (see also an example on update of TSR after a report with action type ‘Revive’ in section 7.1.2).

572. The reporting counterparty or the ERR should provide complete information regarding the expiration date and the early termination date of a derivative. The provided information should follow the logical timeline sequence included in the validation rules. In particular, early termination date should not be in the future.

573. The field ‘Event date’ and the date part of the field ‘Reporting timestamp’ for reports with action type ‘Revive’ should be the same.

574. Where the expiration date in the derivative report is in the future or it is not populated, and the early termination date is not populated, the TR should include the derivative in the TSR with all the values that have been included in the submission with action type ’Revive‘.

575. Where the expiration date or the early termination date are both in the past, the TR should update its own records, but not the TSR.

576. Where the expiration date is in the future, but the early termination date is in the past, the TR should update its own records, but not the TSR.

577. Where the early termination date is populated with a date later than the event date or when it is populated with a date equal to or later than the expiration date, such report would not impact the TSR as it would be rejected due to its non-compliance with the validation rules. The below table summarises the relevant instances.

Table 88 - Interaction between TSR and reports with action type 'Revive'		
Expiration date	**Early termination date**	**Impact to the TSR**
Earlier than event date	Earlier than event date	No impact to the TSR, only internal database should be updated
Equal to event date	Empty	Update TSR and internal database
Equal to event date	Earlier than event date	No impact to the TSR, only internal database should be updated
Later than event date or empty	Empty	Update TSR and internal database
Later than event date or empty	Equal to or earlier than event date	No impact to the TSR, only internal database should be updated
Later than event date or empty	Earlier than expiration date, but later than event date	No impact to the TSR (rejected)
Earlier, equal to or later than event date	Equal to or later than expiration date	No impact to the TSR (rejected)

7.1.5 Reporting with action type 'EROR' and 'REVI'

578. Where a counterparty sends an 'EROR' report for its side of the derivative, the TR that has received such report should remove the derivative reported by that counterparty from the TSR. The TR should do so even when the other counterparty reports to the same TR and has not made the same report. Counterparties should be responsible for resolving any type of mismatch caused by the usage of 'EROR' reports.

579. The TR should restore the derivative to the TSR when a report with action type 'Revive' has been received and it is compliant with the validation rules and the logical rules included in table under paragraph 576. The TR should do so even when the other counterparty reports to the same TR and has not made the same report. Counterparties should be responsible for resolving any type of mismatch caused by the usage of 'REVI' reports.

7.1.6 Inclusion in the TSR of schedule information

580. The RTS and the ITS on reporting detail the requirements for reporting of notional schedules and other payments.

581. TRs should include in the TSR only the current value from the schedules reported, as opposed to including all the values from the schedules. This should be applied for the following schedule fields: 2.50-2.52 ('Price'), 2.57-2.59 ('Notional amount of leg 1'), 2.61-2.63 ('Notional quantity of leg 1'), 2.66-2.68 ('Notional amount of leg 2'), 2.70-2.72 ('Notional quantity of leg 2'), and 2.135-2.137 ('Strike price'). This will reduce the amount of data provided to authorities and would facilitate the immediate assessment of exposures.

582. TRs should use the date fields referring to the effective date and end date of the information contained in the schedule to determine which data point to include in the TSR. For example, a schedule with the following characteristics is reported: 'value' {100, 150, 200}, 'effective date' {T, T+10, T+20}, 'end date' {T+9, T+19, T+29}. The TSRs generated for reporting dates T to T+9 should display the value 100, the TSRs generated for reporting dates T+10 to T+19 should display the value 150, and finally, the TSRs generated for reporting dates T+20 to T+29 should display the value 200.

583. For fields 2.73-2.78, referring to other payments, TRs should include in the TSR all relevant payments. Payments of different types should not be overwritten. This means that if a counterparty reports the same payment type more than one time (in different reports), the TSR should update such value. Below example illustrates the logic:

Event date	CP reports	TSR for that day
T	UFRO, 100	UFRO, 100
T+1	PEXH, 150; PEXH, 200	UFRO, 100; PEXH, 150; PEXH, 200
T+2	PEXH, 250; PEXH, 300	UFRO, 100; PEXH, 250; PEXH, 300
T+3	UWIN, 50	UFRO, 100; PEXH, 250; PEXH, 300; UWIN, 50

584. For fields 2.122-2.131, referring to commodities, TRs should include all the information as it is reported by counterparties.

585. The most up-to-date linking IDs should persist in the TSR when a counterparty reports a lifecycle event where these fields are not applicable. On the contrary, the linking IDs should not persist in the TSR when a counterparty reports a lifecycle event where these fields are optional and reported as blank. The same approach should apply also to fields like 'Event type'.

7.1.7 Dead derivatives

586. Where a counterparty ceases to exist, without being acquired or merged, no derivatives should remain outstanding at the trade repository.

587. If the reporting counterparty reports directly to the TR and notifies the TR in order to cancel its membership, the TR should liaise with the reporting counterparty to terminate the relevant derivatives, while it is still active, by submitting reports with action types ‘TERM‘ where the termination date is at the latest the date of the dissolution of the reporting counterparty.

588. If the reporting counterparty does not report directly to the TR, and the ERR or RSE notifies the TR, the TR should liaise with that entity so that the ERR or RSE terminates the relevant derivatives, while the reporting counterparty is still active, by submitting reports with action types ‘TERM’ where the termination date is at the latest the date of the dissolution of the reporting counterparty.

589. Where the reporting counterparty has ceased to exist and has not terminated the outstanding derivatives and the TR becomes aware of this situation, the following waterfall should be followed:

a. If the ERR is different from the reporting counterparty and that ERR has not used RSE, the TR should contact the ERR, should request the submission of reports with action types ‘TERM where the termination date is at the latest the date of the dissolution of the reporting counterparty and, simultaneously, should raise the issue to the NCA of the reporting counterparty. If the reporting counterparty or the ERR has used a RSE and that entity is still an active RSE at the TR, the TR should contact the RSE, should request the submission of reports with action types ‘TERM’ where the termination date is at the latest the date of the dissolution of the reporting counterparty and, simultaneously, should raise the issue to the NCA of the reporting counterparty.

b. If the previous step in point a is not applicable, the TR should assess the maturity date of the outstanding derivatives that should be terminated to assess whether they would naturally expire in the following twelve months. If that is the case, no further action should be undertaken by the TR. This is to alleviate the work of TRs and minimise the risks associated with the process of excluding dead derivatives.

c. If the previous step in point b is not applicable, the TR should contact the other counterparty/ies to the outstanding derivatives, where those entities report directly to the TR, and request them to terminate the outstanding derivatives on behalf of the reporting counterparty while, if possible, raise the issue to the NCA(s) to follow-up with the other counterparty/ies.

d. Finally, in case none of the above is applicable, the TR, upon confirming with the NCA and notifying ESMA, should flag the relevant derivatives accordingly and not take them into consideration for the purposes of TSR, reconciliation process or any subsequent aggregations such as position reports.

590. In the case of derivatives that have remained outstanding at the date of application of the new reporting requirements, the process referred to in paragraph 589, should be performed by the TRs at the earliest opportunity and no later than by the end of the transition period.

7.2 Reconciliation

7.2.1 Scope of data subject to reconciliation

591. TRs should ensure consistent determination of the scope of data subject to reconciliation. TRs therefore should only include in the reconciliation process derivatives, both at trade and at position level, where all the below conditions are fulfilled:

a. Counterparty 1 has reporting obligation, i.e. it is a counterparty established in the EU or an AIF, whose AIFM is established in the EU, based on the GLEIF.

b. Counterparty 2 has reporting obligation as indicated if established in the EU or an AIF, whose AIFM is established in the EU, based on the GLEIF or the field 1.14 ‘Reporting obligation of the counterparty 2’ is populated with ‘True’.

c. The derivative has not been subject to a report with action type ‘EROR’, unless it has been followed by a report with action type ‘REVI’.

d. The derivative is outstanding, as referred to in Article 2(2)(a) and 2(2)(b) of the ITS on reporting, or it has been outstanding in the last thirty calendar days.

592. TRs should include late reported derivatives in the reconciliation process if the late report refers to an outstanding derivative subject to reconciliation.

593. TRs should remove derivatives from the reconciliation process that have been non-outstanding for thirty-one calendar days or more, and this should be determined based on the earliest date reported in either field ’Expiration date’ or field ‘Early termination date’. Moreover, derivatives that have received a report with action type ’EROR’ should also be removed.

594. It is worth recalling that TRs should reconcile the data in line with the relevant reconciliation tolerance, as well as the relevant start date as included in Table 2 of the Annex to the RTS on data quality.

7.2.2 Position-level vs trade-level reconciliation

595. TRs should therefore reconcile, both position-level and trade-level reports, as determined by the latest applicable event date, which should be two working days before the date on which the reconciliation takes place. For instance, in case the reconciliation takes place on Wednesdays, TRs should include the derivatives reported whose event date is Monday or earlier. In case the reconciliation takes place on Monday, the TRs should include the derivatives whose event date is Thursday or earlier. TARGET 2 calendar should be used to determine working days.

Table 89– Information flow asymmetries between the reconciliation process performed with a 2-day lag and the TSR		
Business day	**Event date**	**Events**
T	T	• Counterparties 1 and 2 execute a new derivative contract on **event date T** • Counterparty 1 sends the report to the TR on **business day T**
T+1	T+1	• Counterparty 2 sends the report to the TR on **business day T+1** • TSR delivered on **business day T+1** by 06.00 UTC **to entities / 12.00 UTC to authorities** include the latest state of reported derivatives on **business day T** with **event date T-1** or earlier, i.e. above derivative is not included. • Reconciliation report delivered on **business day T+1** by 06.00 UTC **to entities / 12.00 UTC to authorities** for **event date T-2** or earlier does not include the above derivative • Reconciliation process runs until midnight UTC for reported derivatives during **business day T** or earlier with **event date T-1** or earlier.
T+2	T+2	596. TSR delivered on **business day T+2** by 06.00 UTC **to entities / 12.00 UTC to authorities** include the latest state of reported derivatives on **business day T+1** with **event date T** or earlier, i.e. above derivative is included but has not yet been subject to reconciliation (reconciliation flag = "NA"). • Reconciliation report delivered on **business day T+2** by 06.00 UTC **to entities / 12.00 UTC to authorities** for **event date T-1** or earlier does not include the above derivative • Reconciliation process runs until midnight UTC for reported derivatives during **business day T+1** or earlier with **event date T** or earlier.
T+3	T+3	597. TSR delivered on **business day T+3** by 06.00 UTC **to entities / 12.00 UTC to authorities** include the latest state of reported derivatives on **business day T+2** with **event date T+1** or earlier, i.e. above derivative is included and has

		been subject to reconciliation (reconciliation flag is updated accordingly) • Reconciliation report delivered on **business day T+3** by 06.00 UTC **to entities / 12.00 UTC to authorities** for **event date T** or earlier include above derivative.

7.2.3 Reconciliation of valuation

598. The reconciliation of valuation from trade-level or position-level perspective should follow the guidance provided in section 7.2.2.

599. When one of the counterparties to the derivative is an NFC-, that entity is not required to report valuation data. Even if an entity not obliged to report valuation information does so, TRs should omit such information from the reconciliation process.

600. When both counterparties have an obligation to report valuations, TRs should include all the relevant valuation data in the reconciliation process and flag the derivatives where one of the counterparties have not reported valuation or where there are reconciliation breaks between the information as not reconciled.

601. Please refer to section 7.3.3 on the interplay of the reconciliation of valuation status with the reconciliation status of the derivative.

7.2.4 Derivatives with two legs

2. TRs should reconcile derivatives with two legs by reconciling each of the legs as reported by the counterparties.

602. It is worth noting that in the case of most types of derivatives with two legs such as interest-rate swaps, cross-currency swaps and FX swaps, the order of the legs cannot be unequivocally defined, as there is no specific prevalence of one leg over the other. Therefore, when counterparties report inconsistently the two legs of the derivative, the TR should intend matching the two legs irrespective of the sequence, taking into account the values reported by the two counterparties under field 'Direction of leg 1' by matching the legs with opposite values. In case counterparty 1 has reported it with 'payer' the TR should reconcile it with the leg that is identified as 'receiver' or with the leg that is not identified, when leg 1 is identified with 'payer'.

603. When an outstanding position is the result of netting of a position to zero (Level = P and Quantity=0), TR should exclude from the reconciliation the fields 'Direction', 'Direction of leg 1' and 'Direction of leg 2'.

7.2.5 Reconciliation of schedule information

604. TRs should only reconcile the data on schedule fields that are included in the TSR. This approach is aligned with the one described in section 7.1.6 Inclusion in the TSR of schedule information.

7.3 Data Quality feedback

7.3.1 Rejection feedback

605. Article 1(1) of the RTS on data quality requires the TRs to verify the data they receive from the report submitting entities upon their reception. In accordance with Article 1(3) of the RTS on data quality TRs shall provide the RSEs with detailed information on the results of the data verification. This immediate rejection feedback shall be provided to the relevant RSE within 60 minutes from the reception of the data, i.e. from the moment the submitted file enters the system of the TR.

606. Apart from the provision of immediate rejection response to the RSE, the TR can provide this feedback also to the reporting counterparties and entities responsible for reporting if those have access to the TR and they express interest to receive the immediate rejection response.

607. Article 1(1) of the RTS on data quality provides a list of specific verification checks which should be executed by the TRs. Authentication according to Article 1(1)(a) should be performed upfront, therefore no specific rejection feedback should be provided with respect to this first verification step. The remaining verification checks should be performed at the point of submission and result in rejection feedback in accordance with the following rejection categories:

a. Schema validation of a submission as per Article 1(1)(b);

b. Authorization / permission of a report submitting entity as per Article 1(1)(c);

c. Logical validation of a submission as per Articles 1(1)(d) to 1(1)(k);

d. Business rules or content validation of a submission as per Article 1(1)(l), as clarified by these Guidelines.

608. Under Article 1(2) of the RTS on data quality a TR shall “reject a derivative report that does not comply with one of the requirements set out in paragraph 1 and assign to it one of the rejection categories” mentioned above.

609. To implement these verification checks TRs should apply validation rules to ensure that reporting is performed according to the EMIR regime, including the specifications of the technical standards, as clarified by these Guidelines. Accordingly, reporting counterparties or submitting entities should comply with the reporting requirements specified by the validation rules which are published together with these Guidelines on ESMA’s website.

610. To keep the technical aspects of the data quality requirements relevant and correctly applied, ESMA updates the validation rules when necessary or appropriate. When the validation rules are updated, ESMA specifies the effective day of application of the updated validation rules and the TRs should ensure that they implement the changes in the specified timeframe and start performing the verification checks with the updated validation rules on the designated date of application.

611. Similarly the reporting counterparties, ERRs or RSEs as applicable should update their reporting systems so that the submitted reports are compliant with the new validation rules on the designated date of application.

612. The validation rules contain a specific error code and error message containing an xml path for each of the validation rules and the TRs should use these error codes and messages to specify the rejection reason when communicating rejections to the relevant parties. When a derivative report is rejected, the rejection response should contain all the error codes of the validation rules that the submitted derivative report failed. Therefore, the information on the error codes should be provided at report level.

613. If the submitted report is correct and compliant with all the reporting requirements, and with the technical specifications in the validation rules, the feedback should indicate that the derivative report was accepted.

614. The TR should verify compliance of the file with the XML schema (syntax of the whole file and specific derivative reports). If the file is not compliant, the whole file (all derivatives included in the file) is rejected, and the reason will be that the file is 'corrupted'. In the statistics this should be reported as 1 file rejection even if the file contradicts the XML schema in multiple instances.

615. If, however, the file is compliant with the XML schema and contains e.g. 3 derivatives, but all the derivatives fail validations, the statistics should show the file as accepted with 3 rejected and 0 accepted derivatives.

616. Following the receipt of an immediate rejection response, to ensure their compliance with the reporting obligation under Article 9 of EMIR, the reporting counterparties or ERR should, either directly or through a RSE, submit correct and complete reports by the reporting timeline.

617. Further to the immediate rejection feedback, Article 4(1)(c) of the RTS on data quality requires the TRs to make available to the reporting counterparties, RSEs, ERRs and third parties which have been granted an access to EMIR data under Article 78(7) of EMIR end-of-day reports of derivatives that have been rejected during that day. As specified in the RTS on data quality, this report shall be made accessible by 6:00 UTC to entities and 12.00 UTC to authorities on the following working day. For the determination of working days TARGET 2 calendar should be used.

618. The TRs should use all the data they have collected to determine what information they should provide and to which RSEs, ERRs and counterparties. Information on errors pertaining to the whole file should be made available to the RSE of the file and to all ERRs and counterparties populated in fields 1.3 and 1.4 in that rejected file as applicable, assuming it is possible to read the information from the rejected file. Information on errors pertaining to a specific record should be made available to the RSE, ERR and counterparty 1 populated in this record to the extent the entities are on-boarded.

619. Regarding the deadlines for provision of (immediate and end-of-day) rejection response under special circumstances, such as scheduled or non-scheduled

maintenance, the TRs should proceed analogously to the existing guidance on operational aspects on data access, as detailed in section 7.4.1.

7.3.1.1 Immediate rejection feedback

620. Immediate rejection response shall according to Article 1(3) of the RTS on data quality be provided by the TRs in the standardized response messages compliant with ISO 20022 format, specifically the XSD schema. It should contain the following information:

Table 90 - Immediate rejection feedback

No.	Field	Details to be reported	XML Message
1	File identification	Textual value	…
2	Rejection reason	Error code	
3	Rejection description	Error description	
4	Number of derivatives received	10	
5	Number of derivatives accepted	9	
6	Number of derivatives rejected	1	
7	Identification of the derivatives		
8	Counterparty 1 (Reporting counterparty)	123456789012345 00000	
9	Counterparty 2	ABCDEFGHIJKLM NOPQRST	
10	UTI	UTI1	
11	Reporting timestamp	2025-04-07T10:00:00Z	
12	Event date	2025-04-07	
13	Event type	TRAD	
14	Action type	NEWT	
15	Status Accepted	ACPT	
16	Status Rejected	RJCT	
17	Rejection reason	EMIR-VR-1001-6	

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   <TxId>
    <ActnTp>NEWT</ActnTp>
    <RptgTmStmp>
    2025-0407T10:00:00Z
    </RptgTmStmp>
    <DerivEvtTp>TRAD
    </DerivEvtTp>
    <EvtTmStmp><Dt>
    2025-04-07
    </Dt></EvtTmStmp>
    <OthrCtrPty>
      <Lgl><LEI>
```

			ABCDEFGHIJKLMNOPQRST </LEI></Lgl> </OthrCtrPty> <TxId> <UnqTxIdr> UTI1 </UnqTxIdr> </TxId> <Sts>RJCT</Sts> <DtldVldtnRule> <Id>EMIR-VR-1001-6</Id> <Desc>Xpath of the Erroneous field</Desc> </DtldVldtnRule> </TxsRjctnsRsn> </DtldSttstcs> …
18	Rejection description	Xpath of the erroneous field	

621. Where the rejection pertains to field 1.4 ‘Counterparty 1 (Reporting counterparty)’ or field ‘1.9 Counterparty 2’, these fields might not be populated in the rejection report.

7.3.1.2 End-of-day rejection report

622. End-of-day rejection report shall be provided by the TRs in the standardized response messages compliant with ISO 20022 format in accordance with Article 4(1)(c) of the RTS on data quality, specifically the XSD schema. It should contain the following information:

Table 91 - End-of-day rejection report

No.	Field	Details to be reported	XML Message
1	Number of files received	3	… <RjctnSttstcs> <CtrPtyId> <RptgCtrPrty> <LEI>12345678901234500000</LEI> </RptgCtrPrty> <RptSubmitgNtty> <LEI>12345678901234500000</LEI> </RptSubmitgNtty> <NttyRspnsblForRpt> <LEI>12345678901234500000</LEI> </NttyRspnsblForRpt> </CtrPtyId> <RptSttstcs> <TtlNbOfRpts>3</TtlNbOfRpts> <TtlNbOfRptsAccptd>2
2	No. of files accepted	2	
3	No. of files rejected	1	
4	File identification	REPORT1	
5	Rejection reason	CRPT	
6	Rejection description	File is corrupted	
7	Number of derivatives received	10	
8	Number of derivatives accepted	9	
9	Number of derivatives s rejected	1	
10	Identification of the derivatives		

11	Counterparty 1 (Reporting counterparty)	12345678901234500000
12	Counterparty 2	ABCDEFGHIJKLMNOPQRST
13	UTI	UTI1
14	Reporting timestamp	2025-04-07T10:00:00Z
15	Event date	2025-04-07
16	Event type	TRAD
17	Action type	NEWT
18	Status Accepted	ACPT
19	Status Rejected	RJCT

```
 </TtlNbOfRptsAccptd>
 <TtlNbOfRptsRjctd>1
 </TtlNbOfRptsRjctd>
 <NbOfRptsRjctdPerErr>
  <DtldNb>1</DtldNb>
  <RptSts>
   <MsgRpId>REPORT1</MsgRpId>
   <Sts>CRPT</Sts>
  </RptSts>
 </NbOfRptsRjctdPerErr>
</RptSttstcs>
<DerivSttstcs>
 <DtldSttstcs>
  <TtlNbOfTxs>10
  </TtlNbOfTxs>
  <TtlNbOfTxsAccptd>9
  </TtlNbOfTxsAccptd>
  <TtlNbOfTxsRjctd>1
  </TtlNbOfTxsRjctd>
  <TxsRjctnsRsn>
  <TxId>
   <ActnTp>NEWT</ActnTp>
   <RptgTmStmp>
   2025-0407T10:00:00Z
   </RptgTmStmp>
   <DerivEvtTp>TRAD
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   <OthrCtrPty>
     <Lgl><LEI>
     ABCDEFGHIJKLMNOPQRST
     </LEI></Lgl>
   </OthrCtrPty>
   <TxId>
     <UnqTxIdr>
     UTI1
     </UnqTxIdr>
   </TxId>
   <Sts>RJCT</Sts>
   <DtldVldtnRule>
     <Id>EMIR-VR-1001-6</Id>
     <Desc>Xpath of the
     erroneous field</Desc>
    </DtldVldtnRule>
   </TxsRjctnsRsn>
  </DtldSttstcs>
…
```

20	Rejection reason	EMIR-VR-1001-6	
21	Rejection description	Xpath of the erroneous field	

623. Where the rejection pertains to field 1.4 ‘Counterparty 1 (Reporting counterparty)’ or field 1.9 ‘Counterparty 2’, these fields might not be populated in the rejection report.

624. End-of-day rejection report should be provided electronically in ISO 20022 XML message. TRs could, in addition, use another interface so that e.g. in case the reporting counterparty or the entity responsible for reporting are not reporting directly to the TR, but have a view only account, will be able to have detailed understanding on their compliance with the reporting obligation under EMIR.

7.3.2 Warnings feedback

625. Article 4(1)(e) to 4(1)(g) of the RTS on data quality requires the TRs to make available to the reporting counterparties, RSEs, ERRs and third parties which have been granted an access to EMIR data under Article 78(7) of EMIR end-of-day reports on missing valuations of outstanding derivatives, missing margin information of outstanding derivatives, as well as on abnormal values reported in the fields.

626. These end-of-day reports shall be made accessible to entities by 6:00 UTC and to authorities by 12.00 UTC on the following working day. For the determination of working days TARGET 2 calendar should be used.

627. The TRs should use all the data they have collected to determine what information they should provide and to which RSEs, ERRs and counterparties.

628. The inclusion of derivatives into the end-of-day warnings feedback reports for missing valuations and margin information should follow the same rules as the inclusion of derivatives into the Trade State Report as described in detail in section 7.1. Therefore, the warnings should be provided on the basis of TSR and for example dead derivatives should be excluded (as explained in section 7.1.7).

629. The inclusion of derivatives into the end-of-day warnings feedback report for abnormal values should instead be based on the TAR, where reports received with action type ‘New’, ‘Position component’, ‘Modify’ or ‘Correct’ should be used for this purpose.

630. The number of derivatives included in the warnings feedback reports should be assessed from the viewpoint of counterparty 1.

631. End-of-day warnings feedback reports on missing valuations and margin information should exclude records pertaining to counterparties who are not obliged to submit daily valuations and margin information on outstanding derivatives. The identification of these out-of-scope records should be achieved by filtering field 1.5 ‘Nature of counterparty 1’ = ‘N’ and field 1.7 ‘Clearing threshold of counterparty 1’ = ‘False’. Moreover, the warnings feedback report on missing margin information

should exclude uncollateralized trades. The identification of the out-of-scope uncollateralized records should be achieved by filtering field 3.11 ‘Collateralisation category’ = ‘UNCL’.

632. The TRs should provide the relevant data in scope for the warnings feedback reports to the relevant RSEs, and to all ERRs and counterparties as applicable.

633. End-of-day reports providing information on missing or abnormal data do not entail rejection of derivative reports, they are of informative nature and should provide warnings on possible faults in reporting to the relevant parties. Nevertheless, despite the informative nature, the reporting counterparties, ERRs and RSEs as applicable should always investigate the identified issues and if misreporting is confirmed the data should be corrected or missing data reported without undue delay.

634. Regarding the deadlines for provision of end-of-day warnings feedback reports under special circumstances, such as scheduled or non-scheduled maintenance, the TRs should proceed analogously to the existing guidance on operational aspects on data access included under section 7.4.1.

635. End-of-day warnings feedback reports should be provided electronically in the standardized response messages compliant with ISO 20022 format. TRs could, in addition, use another interface so that e.g. in case the reporting counterparty or the entity responsible for reporting are not reporting directly to the TR, but have a view only account, will be able to have detailed understanding on their compliance with the reporting obligation under EMIR Refit.

7.3.2.1 Missing valuations report

636. According to Article 4(1)(e) of the RTS on data quality the outstanding derivatives for which no valuation has been reported, or the valuation that was reported is dated more than fourteen calendar days earlier than the day for which the report is generated shall be included in the end-of-day missing valuations report. To provide the missing valuations feedback the TRs should use as reference the TSR generated in accordance with section 7.1.

637. Therefore, this report should include:

a) any outstanding derivative in scope of valuation reporting requirements for which field 2.21 ‘Valuation amount’ was never reported as well as

b) any outstanding derivative in scope of valuation reporting requirements for which field 2.21 ‘Valuation amount’ was reported at least once, but the most recent value of this field, i.e. with most recent field 2.23 ‘Valuation timestamp’, has the value of this timestamp more than fourteen calendar days earlier than the day for which the report is generated.

638. End-of-day missing valuations report provided by the TRs in the standardized response messages compliant with ISO 20022 format, specifically the XSD schema, should contain the information specified in the Table 92.

Table 92 - End-of-day missing valuations report			
No.	**Field**	**Details to be reported**	**XML Message**
1	Number of outstanding derivatives	10	<MssngValtn> <Rpt> <NbOfOutsdngDerivs>10 </NbOfOutsdngDerivs> <NbOfOutsdngDerivsWithNoValtn>1 </NbOfOutsdngDerivsWithNoValtn> <NbOfOutsdngDerivsWithOutdtValtn>0 </NbOfOutsdngDerivsWithOutdtValtn> <Wrnngs> <CtrPtyId> <RptgCtrPrty> <LEI>12345678901234500000</LEI> </RptgCtrPrty> <RptSubmitgNtty> <LEI>12345678901234500000</LEI> </RptSubmitgNtty> <NttyRspnsblForRpt> <LEI>12345678901234500000</LEI> </NttyRspnsblForRpt> </CtrPtyId> <NbOfOutsdngDerivs>10 </NbOfOutsdngDerivs> <NbOfOutsdngDerivsWithNoValtn>1 </NbOfOutsdngDerivsWithNoValtn> <NbOfOutsdngDerivsWithOutdtValtn>0 </NbOfOutsdngDerivsWithOutdtValtn> <TxDtls> <TxId> <OthrCtrPty> <Lgl><LEI> ABCDEFGHIJKLMNOPQRST </LEI></Lgl> </OthrCtrPty> <UnqIdr> <UnqTxIdr> UTI1 </UnqTxIdr> </UnqIdr> </TxId> <ValtnAmt><Amt Ccy="EUR">5000000 </Amt></ValtnAmt> <ValtnTmStmp> 2023-04-07T10:00:00Z </ValtnTmStmp> </TxDtls> </Wrnngs> </MssngValtn>
2	Number of outstanding derivatives with no valuation	1	
3	Number of outstanding derivatives with outdated valuation	0	
4	Identification of the derivatives		
5	Counterparty 1 (Reporting counterparty)	12345678901234500000	
6	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
7	UTI	UTI1	
8	Valuation amount	5000000 EUR	
9	Valuation timestamp	2023-04-07T10:00:00Z	

7.3.2.2 Missing margin information report

639. According to Article 4(1)(f) of the RTS on data quality the outstanding derivatives for which no margin information has been reported, or the margin information that was reported is dated more than fourteen calendar days earlier than the day for which the report is generated shall be included in the end-of-day missing margin information report. To provide the missing margin information feedback the TRs should use as reference the TSR generated in accordance with section 7.1.

640. Therefore, this report should include:

a. any outstanding derivative in scope of margin reporting requirements for which margin report was never reported with action type 'MARU' for the given UTI (or it was reported but then the UTI with corresponding margin was errored and no margin information was reported after reviving the derivative) and

b. any outstanding derivative in scope of margin reporting requirements for which margin report was reported at least once, but the most recent report, i.e. with most recent field 3.7 'Collateral timestamp', has the date value of this timestamp more than fourteen calendar days earlier than the day for which the report is generated.

641. End-of-day missing margin information report provided by the TRs in the standardized response messages compliant with ISO 20022 format, specifically the XSD schema, should contain the information included in the below table.

Table 93 - End-of-day missing margin information report

No.	Field	Details to be reported	XML Message
1	Number of outstanding derivatives	10	<MssngMrgnInf> <Rpt> <NbOfOutsdngDerivs>10 </NbOfOutsdngDerivs> <NbOfOutsdngDerivsWithNoMrgnInf>1 </NbOfOutsdngDerivsWithNoMrgnInf> <NbOfOutsdngDerivsWithOutdtMrgnInf>0 </NbOfOutsdngDerivsWithOutdtMrgnInf> <Wrnngs> <CtrPtyId> <RptgCtrPrty> <LEI>12345678901234500000</LEI> </RptgCtrPrty> <RptSubmitgNtty> <LEI>12345678901234500000</LEI> </RptSubmitgNtty> <NttyRspnsblForRpt> <LEI>12345678901234500000</LEI> </NttyRspnsblForRpt> </CtrPtyId> <NbOfOutsdngDerivs>10
2	Number of outstanding derivatives with no margin information	1	
3	Number of outstanding derivatives with outdated margin information	0	
4	Identification of the derivatives		
5	Counterparty 1 (Reporting counterparty)	12345678901234500000	
6	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
7	UTI	UTI1	
8	Collateral timestamp	2023-04-07T10:00:00Z	

			</NbOfOutsdngDerivs> <NbOfOutsdngDerivsWithNoMrgnInf>1 </NbOfOutsdngDerivsWithNoMrgnInf> <NbOfOutsdngDerivsWithOutdtMrgnInf>0 </NbOfOutsdngDerivsWithOutdtMrgnInf> <TxDtls> <TxId> <OthrCtrPty> <Lgl><LEI> ABCDEFGHIJKLMNOPQRST </LEI></Lgl> </OthrCtrPty> <UnqIdr> <UnqTxIdr> UTI1 </UnqTxIdr> </UnqIdr> </TxId> <CollTmStmp> 2023-04-07T10:00:00Z </CollTmStmp> </TxDtls> </Wrnngs> </MssngMrgnInf>

7.3.2.3 Abnormal values report

642. According to Article 4(1)(g) of the RTS on data quality the derivatives that were received with action type ‘New’, ‘Position component’, ‘Modify’ or ‘Correct’ whose notional amount is greater than a threshold for that class of derivatives shall be included in the end-of-day abnormal values report.

643. Derivative reports received on the working day prior to the working day when the feedback is generated by 6 a.m. UTC should be included in the warnings feedback report for the given day. If the TR accepts also submissions on non-working days, the warnings feedback report should include also submitted reports received on non-working days preceding the working day when the feedback is generated (e.g. for Monday warnings feedback report submissions received on Friday, Saturday and Sunday).

644. Abnormal values (outliers) should be identified for the following fields:

c. 2.55 ‘Notional amount of leg 1’,

d. 2.59 ‘Notional amount in effect on associated effective date of leg 1’,

e. 2.60 ‘Total notional quantity of leg 1’,

f. 2.63 ‘Notional quantity in effect on associated effective date of leg 1’,

g. 2.64 ‘Notional amount of leg 2’,

h. 2.68 ‘Notional amount in effect on associated effective date of leg 2’,

i. 2.69 ‘Total notional quantity of leg 2’,

j. 2.72 ‘Notional quantity in effect on associated effective date of leg 2’.

645. A derivative report should be included into the warnings feedback report when at least one of the listed fields was populated with an abnormal value. If the derivative report contains abnormal values for more than one field, all of these abnormal values should be indicated in the feedback.

646. The values of these fields should be converted into the EUR equivalent amounts for the purpose of abnormal values detection.

647. Abnormal values should be identified for each class and level of derivatives (credit, commodity, currency, equity, interest rates), as categorized by field 2.11 ‘Asset class’, and field 2.154 ‘Level’ separately.

648. To ensure compliance with Article 4(1)(g) of the RTS on data quality, the TR should inform ESMA on the outlier detection method chosen and the thresholds applied for that particular method.

649. The TR should also make the information on outlier detection method and thresholds available to the relevant entities receiving end-of-day abnormal values reports, so that they are fully informed about the content of these reports.

650. End-of-day abnormal values report provided by the TRs in the standardized response messages compliant with ISO 20022 format, specifically the XSD schema, should contain the information included in the below table.

Table 94 - End-of-day abnormal values report

No.	Field	Details to be reported	XML Message
1	Number of derivatives reported with NEWT, POSC, MODI, CORR	10	<AbnrmlVals> <Rpt> <NbOfDerivsRptd>10 </NbOfDerivsRptd> <NbOfDerivsRptdWthOtlrs>1 </NbOfDerivsRptdWthOtlrs> <Wrnngs> <CtrPtyId> <RptgCtrPrty> <LEI>12345678901234500000</LEI> </RptgCtrPrty> <RptSubmitgNtty> <LEI>12345678901234500000</LEI> </RptSubmitgNtty> <NttyRspnsblForRpt> <LEI>12345678901234500000</LEI> </NttyRspnsblForRpt> </CtrPtyId> <NbOfDerivsRptd>10 </NbOfDerivsRptd> <NbOfDerivsRptdWthOtlrs>1 </NbOfDerivsRptdWthOtlrs>
2	Number of derivatives reported with outliers	1	
3	Identification of the derivatives		
4	Counterparty 1 (Reporting counterparty)	12345678901234500000	
5	Counterparty 2	ABCDEFGHIJKLMNOPQRST	
6	UTI	UTI1	

7	Reporting timestamp	2025-04-07T10:00:00Z
8	Event date	2025-04-07
9	Event type	TRAD
10	Action type	NEWT
11	Notional amount of leg 1	Field 2.55 or blank if no outlier detected

```
<TxDtls>
  <TxId>
   <ActnTp>NEWT</ActnTp>
   <RptgTmStmp>
   2025-0407T10:00:00Z
   </RptgTmStmp>
   <DerivEvtTp>TRAD
   </DerivEvtTp>
   <DerivEvtTmStmp><Dt>
   2025-04-07
   </Dt></DerivEvtTmStmp>
   <OthrCtrPty>
     <Lgl><LEI>
     ABCDEFGHIJKLMNOPQRST
     </LEI></Lgl>
   </OthrCtrPty>
   <TxId>
     <UnqTxIdr>
     UTI1
     </UnqTxIdr>
   </TxId>
   <NtnlAmt>
    <FrstLeg>
      <Amt>
       <Amt Ccy="EUR">10000</Amt>
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      <Amt>
       <Amt Ccy="GBP">3000</Amt>
      </Amt>
      <SchdlPrd>
        <Amt>
         <Amt Ccy="EUR">3000</Amt>
        </Amt>
      </SchdlPrd>
    </ScndLeg>
   </NtnlAmt>
  </TxDtls>
 </Wrnngs>
</AbnrmlVals>
```

12	Notional amount in effect on associated effective date of leg 1	Field 2.59 or blank if no outlier detected
13	Total notional quantity of leg 1	Field 2.60 or blank if no outlier detected
14	Notional quantity in effect on associated effective date of leg 1	Field 2.63 or blank if no outlier detected
15	Notional amount of leg 2	Field 2.64 or blank if no outlier detected
16	Notional amount in effect on associated effective date of leg 2	Field 2.68 or blank if no outlier detected
17	Total notional quantity of leg 2	Field 2.69 or blank if no outlier detected
18	Notional quantity in effect on associated effective date of leg 2	Field 2.72 or blank if no outlier detected

7.3.3 Reconciliation feedback

651. In Table 3 to the Annex of the RTS on data quality, ESMA has included different categories of statuses for a derivative, as follows:

Table 95	
Reconciliation categories	**Allowable values**
Reporting requirement for both counterparties	Yes/No
Reporting type	Single-sided/dual-sided
Pairing	Paired/unpaired
Reconciliation	Reconciled/not reconciled
Valuation reconciliation	Reconciled/not reconciled
Revived	Yes/No
Further modifications:	Yes/No

652. The category ‘Reporting requirement for both counterparties’ should be filled by the TR based on the information in field 1.14. Where the field is populated ‘True’, then the status of the reconciliation category should be ‘Yes’, otherwise it should be ‘No’.

653. The category ‘Reporting type’ should be populated with ‘Single-sided’ when the TR has received only one side of the derivatives, and ‘Dual-sided’ when both counterparties have reported to the same TR.

654. The category ‘Pairing’ should be populated with ‘Paired’ when the TR has been able to identify the two sides of the same derivative or ‘Unpaired’ when it has not yet been able to do so. When a TR identifies a derivative as ‘Dual-sided’ in the category ‘Reporting type’, it should only identify it as ‘Paired’ in the category ‘Pairing’.

655. Only derivatives that have been paired can be reconciled. Therefore status of ‘Reconciled’ for either the category ’Reconciliation‘ or the category ‘Valuation reconciliation’ should only be assigned by the TR for derivatives that are ‘Paired’.

656. The TRs should take into account that valuation updates for ETD trades are reported at position level and that NFC- are not obliged to submit valuation updates for their derivatives. These cases should be flagged in the schema as ‘Not applicable’ as opposed to categorising them as ‘Not reconciled’.

657. The TRs should identify as ‘Reconciled’ only those derivatives for which all the reconcilable fields are within the allowed tolerances of reconciliation.

658. Finally, the population of the categories ‘Revived’ and ‘Further modifications’ is independent from the rest of reconciliation categories. Category ‘Further modifications’ should be set to ‘Yes’ when a lifecycle event other than ‘NEWT’ is received, and this value should be kept until the updated derivative contract is reconciled. Category ‘Revive’ should be set to ‘Yes’ when a lifecycle event ‘REVI’ is received, and this value should be kept until the derivative contract is no longer outstanding.

659. In the table included below all the allowable combinations are included. TRs should only use the below combinations when providing reconciliation feedback.

Table 96

Reporting requirement for both counterparties	Reporting type	Pairing	Reconciliation	Valuation reconciliation*	Revived	Further modifications
No	Single-sided	Unpaired	Not reconciled	Not reconciled	No	No
No	Single-sided	Unpaired	Not reconciled	Not reconciled	Yes	No
No	Single-sided	Unpaired	Not reconciled	Not reconciled	No	Yes
No	Single-sided	Unpaired	Not reconciled	Not reconciled	Yes	Yes
Yes	Single-sided	Unpaired	Not reconciled	Not reconciled	No	No
Yes	Single-sided	Unpaired	Not reconciled	Not reconciled	Yes	No
Yes	Single-sided	Unpaired	Not reconciled	Not reconciled	No	Yes
Yes	Single-sided	Unpaired	Not reconciled	Not reconciled	Yes	Yes
Yes	Single-sided	Paired	Not reconciled	Not reconciled	No	No
Yes	Single-sided	Paired	Not reconciled	Not reconciled	Yes	No
Yes	Single-sided	Paired	Not reconciled	Not reconciled	No	Yes

Yes	Single-sided	Paired	Not reconciled	Not reconciled	Yes	Yes
Yes	Single-sided	Paired	Reconciled	Not reconciled	No	No
Yes	Single-sided	Paired	Reconciled	Not reconciled	Yes	No
Yes	Single-sided	Paired	Reconciled	Not reconciled	No	Yes
Yes	Single-sided	Paired	Reconciled	Not reconciled	Yes	Yes
Yes	Single-sided	Paired	Reconciled	Reconciled	No	No
Yes	Single-sided	Paired	Reconciled	Reconciled	Yes	No
Yes	Single-sided	Paired	Reconciled	Reconciled	No	Yes
Yes	Single-sided	Paired	Reconciled	Reconciled	Yes	Yes
Yes	Single-sided	Paired	Not reconciled	Reconciled	No	No
Yes	Single-sided	Paired	Not reconciled	Reconciled	Yes	No
Yes	Single-sided	Paired	Not reconciled	Reconciled	No	Yes
Yes	Single-sided	Paired	Not reconciled	Reconciled	Yes	Yes
Yes	Dual-sided	Paired	Not reconciled	Not reconciled	No	No
Yes	Dual-sided	Paired	Not reconciled	Not reconciled	Yes	No
Yes	Dual-sided	Paired	Not reconciled	Not reconciled	No	Yes
Yes	Dual-sided	Paired	Not reconciled	Not reconciled	Yes	Yes
Yes	Dual-sided	Paired	Reconciled	Not reconciled	No	No
Yes	Dual-sided	Paired	Reconciled	Not reconciled	Yes	No
Yes	Dual-sided	Paired	Reconciled	Not reconciled	No	Yes
Yes	Dual-sided	Paired	Reconciled	Not reconciled	Yes	Yes
Yes	Dual-sided	Paired	Reconciled	Reconciled	No	No
Yes	Dual-sided	Paired	Reconciled	Reconciled	Yes	No
Yes	Dual-sided	Paired	Reconciled	Reconciled	No	Yes
Yes	Dual-sided	Paired	Reconciled	Reconciled	Yes	Yes
Yes	Dual-sided	Paired	Not reconciled	Reconciled	No	No
Yes	Dual-sided	Paired	Not reconciled	Reconciled	Yes	No
Yes	Dual-sided	Paired	Not reconciled	Reconciled	No	Yes
Yes	Dual-sided	Paired	Not reconciled	Reconciled	Yes	Yes
*Should be populated in certain cases with “Not applicable” as per paragraph 656						

7.3.3.1 Immediate feedback

660. When providing the immediate reconciliation feedback in accordance with Article 3(5) of the RTS on data quality, the TRs shall provide information only about those derivatives that have been subject to reconciliation in the relevant reconciliation cycle.

661. The following information should be included in the reconciliation feedback:

Table 97 - Reconciliation Feedback			
No.	**Field**	**Details to be reported**	**XML Message**
1	Reporting counterparty	12345678901234500000	<Rpt> … <RcncltnCtgrs> <RptgRqrmnt> <RptgTp>TWOS</RptgTp> <Pairg>PARD</Pairg> <Rncltn>RECO</Rncltn> <ValtnRncltn>RECO </ValtnRncltn> <Rvvd>true</Rvvd> <FrthrMod>true</FrthrMod> </RptgRqrmnt> </RcncltnCtgrs> <TtlNbOfTxs>10</TtlNbOfTxs> <TxDtls> <CtrPtyId> <RptgCtrPrty> <LEI> 12345678901234500000 </LEI> </RptgCtrPrty> … </CtrPtyId> <TtlNbOfTxs>10</TtlNbOfTxs> <RcncltnRpt> <TxId> <OthrCtrPty> <Lgl><LEI> ABCDEFGHIJKLMNOPQRST </LEI></Lgl> </OthrCtrPty> <UnqIdr> <UnqTxIdr> UTI1 </UnqTxIdr> </UnqIdr> </TxId> <MtchgCrit> … </MtchgCrit> </RcncltnRpt> </TxDtls> </Rpt>
2	UTI	Field 2.1	
3	Other counterparty	Field 1.11	
4	Reporting requirement for both counterparties	True	
5	Reporting type	Dual-sided	
6	Pairing	Paired	
7	Reconciliation	Reconciled	
8	Valuation reconciliation	Reconciled	
9	Revived	True	
10	Further modifications	True	

7.3.3.2 End-of-day reconciliation information

662. When providing end-of-day reconciliation information included in Article 4(1)(d) of the RTS on data quality, the TR should provide information about all derivatives that are in the scope of the reconciliation process.

7.4 Data access

7.4.1 Operational aspects

663. When providing access to transaction data in accordance with Article 2 of the RTS on data access, TRs should include all details of derivatives, irrespective of whether the report for a derivative has been accepted or rejected by the TR. Further clarifications to the requirement in the RTS on data access are provided in the below paragraphs.

664. A Union competent authority (including the competent authorities of the EU Member States) has access to all transaction data on all derivatives concluded by a counterparty that fall within the scope of that authority, where such counterparty is reported under field 1.4 ‘Counterparty 1 (reporting counterparty)’ or field 1.9 ‘Counterparty 2’).

665. A competent authority from a Member State has access to all transaction data on all derivatives concluded by a counterparty that is from the same Member State, where these competent authorities should be provided with access to data in accordance with Article 81(3) of EMIR.

666. Union securities and market authorities, as referred to in Article 81(3)(j) of EMIR, should be given access to all transaction data on derivatives when it is the Relevant Competent Authority (RCA) according to FIRDS either in relation to the derivative itself (field 2.7) or the underlying (field 2.14). Considering that the RCA may change over time, trade repositories are expected to provide access to the authority designated as RCA at the time the report is generated.

667. Union securities and market authorities, as referred to in Article 81(3)(j) of EMIR, should be given access to all transaction data on derivatives where the field ‘Underlying identification type’ (field 2.13) is reported with an ‘X’ or a ‘B’ and the field ‘Underlying identification’ (field 2.14) is populated with either:

a. ISIN of the underlying index or an ISIN belonging to any of the individual components of the underlying basket, whose first two letters represent the country code of that competent authority, or an ISIN belonging to any of the individual components of the underlying basket, where the Relevant Competent Authority (RCA) as determined in the FIRDS database is that competent authority, or

b. ISIN of the underlying index or an ISIN belonging to any of the individual components of the underlying basket of indices, whose first two letters do not represent the country code of that competent authority, however is needed for that authority in order to perform its responsibilities and mandates, or

c. full names (assigned by index providers) or standardised 4-letter codes of additional indices that, though not identified by ISIN, are needed for that authority in order to perform its responsibilities and mandates.

668. In that regard, each competent authority can provide ESMA with an up to date list of the ISINs and/or full names (assigned by index providers) of additional indices and/or indicators of the underlying index for which that authority also requires access to transaction data if a given index is identified in the report as the underlying index or a component of the underlying basket or a list with principles, e.g. derivatives referring to stock issued in a member state if a detailed list of derivative types or underlyings is not feasible and might result in an undue restriction of data access. That list should be maintained by ESMA, based on the information provided by the authorities, and made available to Trade Repositories. The TRs should filter the list of indices without taking into account case-sensitiveness of the reported characters.

669. From the perspective of providing access based on the UPI, the TRs should make use of the available information published by ANNA-DSB.

670. The TRs should establish the data access of the third country authorities in accordance with Article 3 of the RTS on data access.

671. Articles 5(7) and 5(8) of the RTS on data access, do not refer to the timelines that trade repositories should follow in the event of carrying out scheduled maintenance that impacts TR services related to authorities' access to data, irrespective of the channel or format used.

672. Trade repositories should plan carefully the scheduled maintenance that impacts TR services related to authorities' access to data so that it does not coincide with working days determined in accordance with a calendar consistently agreed in the Union such as the TARGET 2 calendar. Where under exceptional circumstances it coincides with such a working day, the scheduled maintenance should be carried out outside normal working hours, i.e. very early in the morning or very late at night. The trade repositories should make sure that the aforementioned scheduled maintenance is not performed in a way that circumvents the timely availability of derivatives information to authorities.

673. Trade repositories should use electronic means to notify all authorities of the start and end dates and times of their scheduled maintenance as fast as technically possible.

674. Where an annual planning of scheduled maintenance windows that impact TR services related to authorities' access to data exists at the TR, the TR should notify all authorities of that planning on an annual basis and with at least three working days' notice. Furthermore, any additional specific notifications on scheduled maintenance that impact TR services related to authorities' access to data, that are not notified on an annual basis, should be made at the earliest opportunity and at least three working days before the starting date of the scheduled maintenance that impacts TR services related to authorities' access to data.

675. Trade repositories should keep a record of the relevant notifications that can be made available to ESMA upon request. The records related to scheduled maintenance notifications should contain, at least, the following information: the timestamp of the notification, the start and the end of the scheduled maintenance that impacts TR services related to authorities' access to data and the relevant list of users notified.

676. In the case of verification of requests under Article 5(8) of the RTS on data access, trade repositories should confirm receipt and verify the correctness and completeness of any request to access data, at the earliest opportunity and no later than sixty minutes after the finalisation of the relevant scheduled maintenance that impacts TR services related to authorities' access to data.

677. In the case of non-scheduled maintenance, the trade repositories should meet the timelines included in Articles 5(7) and 5(8) of the RTS on data access and these timelines will be taken as reference when assessing the compliance of the trade repository.

678. Trade repositories should notify ESMA and the entities listed in Article 81(3) of EMIR that have access to data at that TR of the non-scheduled maintenance in accordance with their procedures.

7.4.2 Template form for data access

679. TRs should use the following template, presented across the below subsections to set up the access to derivatives data pursuant to Article 4 of the RTS on data access.

680. As positions and tasks may change, an entity listed in Article 81(3) of EMIR should only lay down its mandate, but not any information regarding their internal organisation.

681. TRs should ensure regular review of data access for authorities, on an ongoing basis as soon as they become aware of a change and at least once per year and should update the data access in accordance with the same timeline for the initial set up of access as per Article 4(1) of the RTS on data access.

682. As per Article 4 (1) (d) of the RTS on data access, TRs should set up access to details of transaction data on derivatives for the entities listed in Article 81(3) of EMIR based on the information provided in the form referred to in the Article 4(2) of the RTS on data access. It is therefore important that the information provided in the form is as accurate and complete as possible and to this end TRs are expected to proactively engage with the authorities. In particular, if a TR, based on the information it has collected and analyzed, believes that there are errors or omissions in the form (for instance, a specific mandate has not been ticked by an authority), the TR should contact the authority and confirm the scope of its mandate, as soon as feasible and with a view to ensure the provision of access as per the timeline set out in Article 4(1) (f) of the RTS on data access. TRs should make use of publicly available data, for instance ESMA registers for CCP and trading venues,

to confirm the information included by Authorities in the data access form as well as to monitor any potential updates to their mandates.

683. For the provision of access to authorities under Article 81(3) (f) of EMIR TRs should be provided by each authority with the list of MIC codes under its supervision in the access form.

684. The list of EMIR fields to be used by TRs for filtering data for each of the mandates listed in Article 81(3) of EMIR can be found in Table 96 below. If at least one field contains information based on which it can be determined that the authority is entitled to receive the data, then this data should be made available to this authority.

685. With regard to calculated position data access, each specific regulatory field should be used by TRs to determine which position data should be made available to authorities, e.g. by currency. To establish the access to derivatives reported at position level, TRs should follow the same rules as for derivatives reported at transaction level.

686. With regard to takeover bids, TRs should retrieve data related to all the involved parties as e.g. in takeover bids / offers / securities as defined in Article 2 of Directive 2004/25/EC.

7.4.2.1 Contact information

TABLE 98

Regulator Information and Authorised signatory	
Full name of the entity (with English translation where appropriate)	Click or tap here to enter text.
Website of the entity listed in Article 81(3) EMIR	Click or tap here to enter text.
Authorised signatory contact name	Click or tap here to enter text.
Authorised signatory mailing address	Click or tap here to enter text.
Authorised signatory email address	Click or tap here to enter text.

7.4.2.2 Contact details for TR data user (or team) at the entity listed under Article 81(3) EMIR to receive important notifications

TABLE 99

Contact name	Click or tap here to enter text.
Email address	Click or tap here to enter text.
Phone number	Click or tap here to enter text.
Credentials for a secure SSH FTP connection	Click or tap here to enter text.
TRACE code of the authority	Click or tap here to enter text.
Key of the authority	Click or tap here to enter text.
Any other technical information relevant to the entity's access to details of derivatives.	Click or tap here to enter text.

7.4.2.3 EMIR Mandates applicable to a given entity listed in Article 81(3) EMIR

TABLE 100

(EU) 648/2012, Article 81(3)	Comments (Please indicate each of the mandates that in your view allow you access to data and the relation between such mandate and the data requested. In the comments section please identify the legal instrument or enabling legislation in your jurisdiction that sets out the relevant mandate).	
Entity listed in Article 81(3) EMIR	**Comments**	**Please Tick**
(A) ESMA	Click or tap here to enter text.	☐
(B) EBA	Click or tap here to enter text.	☐
(C) EIOPA	Click or tap here to enter text.	☐
(D) The ESRB	Click or tap here to enter text.	☐
(E)The competent authority supervising CCPs accessing the trade repositories	Click or tap here to enter text.	☐
(F) The competent authority supervising the trading venues where the reported derivatives were concluded	Click or tap here to enter text.	☐

Entity listed in Article 81(3) EMIR	**Comments**	**Please Tick**
(G1) A member of the ESCB, whose currency is the euro	Click or tap here to enter text.	☐
(G2) A member of the ESCB, whose currency is not the euro	Click or tap here to enter text.	☐
(G3) The ECB	Click or tap here to enter text.	☐
(H) The relevant authorities of a third country that has entered into an international agreement with the Union as referred to in Article 75.	Click or tap here to enter text.	☐
(I) Supervisory authorities designated under Article 4 of Directive 2004/25/EC of the European Parliament and of the Council.	Click or tap here to enter text.	☐
(J) The relevant European Union securities and market authorities whose respective supervisory responsibilities and mandate cover contracts, markets, benchmarks, participants and underlying which fall within the scope of EMIR	Click or tap here to enter text.	☐
(K) The relevant authorities of a third country that has entered into a cooperation arrangement with ESMA, as referred to in Article 76	Click or tap here to enter text.	☐
(L) The Authority for the Cooperation of Energy Regulators established by Regulations (EC) No 713/2009 of the European Parliament and of the Council	Click or tap here to enter text.	☐
(M) The resolution authorities designated under Article 3 of Directive 2014/59/EU of the European Parliament and the Council	Click or tap here to enter text.	☐
(N) The Single Resolution Board established by Regulation (EU) No 806/2014	Click or tap here to enter text.	☐
(O) Competent authorities or national competent authorities within the meaning of Regulations (EU) No 1024/2013 and (EU) No 909/2014 and of Directives 2003/41/EC, 2001/61/EU, 2013/36/EU and, 2014/65/EU and supervisory authorities within the meaning of Directive 2009/138/EC	Click or tap here to enter text.	☐
(P) The competent authorities designated in accordance with Article 10(5) of this regulation.	Click or tap here to enter text.	☐

(Q) The relevant authorities of a third country in respect of which an implementing act pursuant to Article 76a has been adopted.	Click or tap here to enter text.	☐
(R) the resolution authorities designated under Article 3 of Regulation (EU) 2021/23	Click or tap here to enter text.	☐

7.4.2.4 Relevant data fields for filtering

TABLE 101

The applicant is competent for counterparties in its Member State, the euro area or the Union	Click or tap here to enter text.	☐
The types of counterparties for which the entity is competent as per the classification in Table 1 of Annex I to the RTS on reporting	Click or tap here to enter text.	☐
Types of underlyings to derivatives for which the authority is competent	Click or tap here to enter text.	☐
Trading venues that are supervised by the entity, if any	Click or tap here to enter text.	☐
CCPs that are supervised or overseen by the entity, if any	Click or tap here to enter text.	☐
Currency that is issued by the entity, if any	Click or tap here to enter text.	☐
Delivery and interconnection points;	Click or tap here to enter text.	☐
Benchmarks used in the Union, for whose administrator the entity is competent	Click or tap here to enter text.	☐
Characteristics of underlyings that are supervised by that entity	Click or tap here to enter text.	☐
Relevant clearing members, brokers and reference entity	Click or tap here to enter text.	☐

Authorised Signatory:

Name: Click or tap here to enter text.

Title: Click or tap here to enter text.

Signature:

Date (dd/mmm/yyyy): Click or tap here to enter text.

7.4.3 EMIR fields for data filtering

687. According to Article 81(3) of EMIR a trade repository shall make the necessary information available to the following entities to enable them to fulfil their respective responsibilities and mandates. In this regard the TRs should use the clarifications in the following table. The indicated fields are based on the existing empowerments and mandates at the time of the drafting of these Guidelines, hence TRs should not be bound by the clarifications included in these Guidelines, but proactively monitor the evolutions of the relevant responsibilities and mandates and adjust the access to authorities accordingly. Prior to implementing an adjustment, TRs should confirm it with ESMA and the relevant authority.

TABLE 102

List of entities in Article 81 (3) EMIR	**Fields for filtering**	**Values for filtering**
a) ESMA	N/A	N/A
b) EBA	N/A	N/A
c) EIOPA	N/A	N/A
d) The ESRB	N/A	N/A
e) The competent authority supervising CCPs accessing the trade repositories	Field 2.33 ‘Central counterparty’	List of LEIs provided by the Authority
	Field 1.4 ‘Counterparty 1 (Reporting counterparty)’	List of LEIs provided by the Authority
	Field 1.9 ‘Counterparty 2’	List of LEIs provided by the Authority
f) The competent authority supervising the trading venues of the reported contracts	Field 2.41 ‘Venue of execution’	ISO list for MIC codes, country code provided by the Authority

g) The relevant members of the ESCB, including the ECB in carrying out its tasks within a single supervisory mechanism under Council Regulation (EU) No 1024/2013	Field 2.144 'Reference entity'	GLEIF database filtered by euro area and a list of entities in non-euro area Member state subject to ECB SSM, as applicable
	Field 2.14 'Underlying identification'	Prefix for the Member State, EU, EZ, XS, XA, XB, XC, XD
	Field 1.4 'Counterparty 1 (Reporting counterparty)'	GLEIF database filtered by euro area and a list of entities in non-euro area Member state subject to ECB SSM, as applicable
	Field 1.9 'Counterparty 2'	GLEIF database filtered by euro area and a list of entities in non-euro area Member state subject to ECB SSM, as applicable
	Field 1.15 'Broker ID'	GLEIF database filtered by euro area and a list of entities in non-euro area Member state subject to ECB SSM, as applicable
	Field 1.16 'Clearing member'	GLEIF database filtered by euro area and a list of entities in non-euro area Member state subject to ECB SSM, as applicable
h) The relevant authorities of a third country that has entered into an international agreement with the Union as referred to in Article 75	N/A	N/A
i) Supervisory authorities designated under Article 4 of Directive 2004/25/EC of the European Parliament and of the Council	Field 2.14 'Underlying identification'	Prefix for the Member State, EU, EZ, XS, XA, XB, XC, XD, and List of ISIN(s) provided by the Authority
j) The relevant Union securities and market authorities whose respective supervisory responsibilities and mandate cover contracts, markets, benchmarks, participants and underlying which fall within the scope of EMIR	Field 1.4 'Counterparty 1 (Reporting counterparty)'	GLEIF database filtered by euro area or non-euro area Member state, as applicable
	Field 1.9 'Counterparty 2'	GLEIF database filtered by euro area or non-euro area Member state, as applicable
	Field 1.15 'Broker ID'	GLEIF database filtered by euro area or non-euro area Member state, as applicable
	Field 1.16 'Clearing member'	GLEIF database filtered by euro area or non-euro area Member state, as applicable
	Field 2.14 'Underlying identification'	Relevant competent authority (RCA) from FIRDS database, prefix for the Member State, EU, EZ, XS, XA, XB, XC, XD
	Field 2.7 'ISIN'	Relevant competent authority (RCA) from FIRDS database, prefix for the Member State, EU, EZ, XS, XA, XB, XC, XD
	Field 2.41 'Venue of execution'	ISO list for MIC codes, country code to be provided by the Authority
	Field 2.8 'UPI'	List of UPI(s) provided by the Authority[42]
	Field 2.15 'Indicator of the underlying index'	List of benchmark(s) provided by the Authority
	Field 2.16 'Name of the underlying index'	List of benchmark(s) provided by the Authority

[42] Access to data based on the UPI comes in addition to any other mandates

	Field 2.83 ‘Identifier of the floating rate of leg 1’	List of benchmark(s) provided by the Authority
	Field 2.84 ‘Indicator of the floating rate of leg 1’	List of benchmark(s) provided by the Authority
	Field 2.85 ‘Name of the floating rate of leg 1’	List of benchmark(s) provided by the Authority
	Field 2.99 ‘Identifier of the floating rate of leg 2’	List of benchmark(s) provided by the Authority
	Field 2.100 ‘Indicator of the floating rate of leg 2’	List of benchmark(s) provided by the Authority
	Field 2.101 ‘Name of the floating rate of leg 2’	List of benchmark(s) provided by the Authority
k) the relevant authorities of a third country that have entered into a cooperation arrangement with ESMA, as referred to in Article 76;	N/A	N/A
l) the Agency for the Cooperation of Energy Regulators established by Regulation (EC) No 713/2009 of the European Parliament and of the Council;	Field 2.116 ‘Base product’ Field 2.117 ‘Sub-product’	[(field 2.16 ‘Base product’ = 'NRGY') and (field 2.17 ‘Sub-product’ = ‘ELEC’ or field 2.17 ‘Sub-product’ = ‘NGAS’)] or [(field 2.16 ‘Base product’ = ‘ENVR' and field 2.17 ‘Subproduct’ = ‘EMIS’]
m) the resolution authorities designated under Article 3 of Directive 2014/59/EU of the European Parliament and the Council;	Field 1.4 ‘Counterparty 1 (Reporting counterparty)’ Field 1.6 ‘Corporate sector of the counterparty 1’	GLEIF database filtered by the Member State, where field 1.6 ‘Corporate sector of the counterparty 1’ equals ‘INVF' Investment firm authorized in accordance with Directive 2014/65/EU or 'CDTI' credit institution authorised in accordance with Directive (EU) 2013/36/EU
	Field 1.9 ‘Counterparty 2’ Field 1.12 ‘Corporate sector of the counterparty 2’	GLEIF database filtered by the Member State, where field 1.12 ‘Corporate sector of the counterparty 2’ are equal to ‘INVF' Investment firm authorized in accordance with Directive 2014/65/EU or 'CDTI' credit institution authorised in accordance with Directive (EU) 2013/36/EU
	Field 1.15 ‘Broker ID’	List of LEIs provided by the Authority
	Field 1.16 ‘Clearing member’	List of LEIs provided by the Authority
n) the Single Resolution Board established by Regulation (EU) No 806/2014;	Field 1.4 ‘Counterparty 1 (Reporting counterparty)’	List of LEIs subject to the SRB, provided by SRB
	Field 1.9 ‘Counterparty 2’	List of LEIs subject to the SRB, provided by SRB
	Field 1.15 ‘Broker ID’	List of LEIs subject to the SRB, provided by SRB
	Field 1.16 ‘Clearing member’	List of LEIs subject to the SRB, provided by SRB
o) competent authorities or national competent authorities within the meaning of	Field 1.4 ‘Counterparty 1 (Reporting counterparty)’ Field 1.6 ‘Corporate sector of the counterparty 1’	GLEIF database filtered by the Member State where field 1.6 ‘Corporate sector of the counterparty 1’ equals:

Regulations (EU) No 1024/2013 and (EU) No 909/2014 and of Directives 2003/41/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU and 2014/65/EU, and supervisory authorities within the meaning of Directive 2009/138/EC;		'CDTI' credit institution authorised in accordance with Directive (EU) 2013/36/EU; or 'CSDS' central securities depository authorised in accordance with Regulation (EU) No 909/2014; or 'INVF' Investment firm authorized in accordance with Directive 2014/65/EU; or 'INUN' insurance undertaking or reinsurance undertaking authorised in accordance with Directive 2009/138/EC; or 'AIFD' an alternative investment fund as defined in Directive 2011/61/EU; or 'UCIT' a UCITS and, where relevant, its management company authorised in accordance with Directive 2009/65/EC; or 'ORPI' an institution for occupational retirement provision (IORP) as defined under Directive 2016/2341
	Field 1.9 'Counterparty 2' Field 1.12 'Corporate sector of the counterparty 2'	GLEIF database filtered by the Member State where field 1.12 'Corporate sector of the counterparty 2' equals: 'CDTI' credit institution authorised in accordance with Directive (EU) 2013/36/EU; or 'CSDS' central securities depository authorised in accordance with Regulation (EU) No 909/2014; or 'INVF' Investment firm authorized in accordance with Directive 2014/65/EU; or 'INUN' insurance undertaking or reinsurance undertaking authorised in accordance with Directive 2009/138/EC; or 'AIFD' an alternative investment fund as defined in Directive 2011/61/EU; or 'UCIT' a UCITS and, where relevant, its management company authorised in accordance with Directive 2009/65/EC; or 'ORPI' an institution for occupational retirement provision (IORP) as defined under Directive 2016/2341
	Field 2.10 'Country of the counterparty 2'	Filtered by the Member State
p) the competent authorities designated in accordance with Article 10(5) of EMIR	Field 1.4 'Counterparty 1 (Reporting counterparty)' Field 1.5 'Nature of the counterparty 1'	GLEIF database filtered by the Member State and 'Nature of the counterparty 1'='N where 'N' stands for non-financial counterparty
	Field 1.9 'Counterparty 2' Field 1.11 'Nature of the counterparty 2'	GLEIF database filtered by the Member State and 'Nature of the counterparty 2'='N where 'N' stands for non-financial counterparty
q) the relevant authorities of a third country in respect of which an implementing act pursuant to Article 76a has been adopted	N/A	N/A