

# European Market Infrastructure Regulation

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## **Chapter 6**

# **Commission Delegated Regulation (EU) No 151/2013**

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Preamble

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## Article 1 Publication of aggregate data

(1) Trade repositories shall publish data provided for in Article 81(1) of Regulation (EU) No 648/2012, including at least:

(a) a breakdown of the aggregate open positions per derivative class as follows:

- (i) commodities;
- (ii) credit;
- (iii) foreign exchange;
- (iv) equity;
- (v) interest rate;
- (vi) other;

(b) a breakdown of aggregate transaction volumes per derivative class as follows:

- (i) commodities;
- (ii) credit;
- (iii) foreign exchange;
- (iv) equity;
- (v) interest rate;
- (vi) other;

(c) a breakdown of aggregate values per derivative class, as follows:

- (i) commodities;
- (ii) credit;
- (iii) foreign exchange;
- (iv) equity;
- (v) interest rate;
- (vi) other.

(2) The data shall be published on a website or an online portal which is easily accessible by the public and updated at least weekly.



## Article 2 Data access by relevant authorities

(1) A trade repository shall provide access to all transaction data to the FCA, the Bank of England and the Pensions Regulator for the purpose of fulfilling their supervisory competences, respective responsibilities and mandates.

(2) The FCA, the Bank of England and the Pensions Regulator shall enact internal procedures in order to ensure the appropriate staff access and any relevant limitations of access as regards non-supervisory activities under their respective responsibilities and mandates.

(3) A trade repository shall ensure that the details of transaction data include the following data:

the reports of derivatives reported in accordance with Tables 1 and 2 of the Annex to Delegated Regulation (EU) No 148/2013, including the latest trade states of derivatives that have not matured or which have not been the subject of reports with action types 'Error', 'Early termination', 'Compression' and 'Position component' as referred to in Field 93 of Table 2 of the Annex to Delegated Regulation (EU) No 148/2013;

the relevant details of derivative reports rejected by the trade repository, including any derivative reports rejected during the previous working day and the reasons for their rejection;

the reconciliation status of all derivatives reported for which the trade repository has carried out the reconciliation process in accordance with Article 19 of Delegated Regulation (EU) No 150/2013.

The adaptation contained in subparagraph (a) of paragraph 31bch of Annex IX (Financial Services) to the EEA Agreement does not have effect for the purposes of this paragraph.

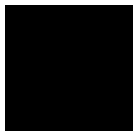


## Article 3 Third country authorities

(1) In relation to a relevant authority of a third country that has been prescribed by HM Treasury as one in which the arrangements for trade repositories are equivalent to those in the United Kingdom (in accordance with Article 75(1)) (equivalence), a trade repository shall provide access to the data, taking account of the third country authority's mandate and responsibilities.

(2) In relation to a relevant authority of a third country that has entered into a cooperation arrangement with the FCA as referred to in Article 76 of Regulation (EU) No 648/2012, a trade repository shall provide access to the data, taking account of the third country authority's mandate and responsibilities and in line with the provisions of the relevant cooperation arrangement.





## Article 4 Operational standards for aggregation and comparison of data

(1) A trade repository shall provide the entities listed in Article 81(3) of Regulation (EU) No 648/2012 with direct and immediate access to details of derivatives contracts in accordance with Articles 2 and 3 of this Regulation.

For the purposes of the first subparagraph, a trade repository shall use an XML format and a template developed in accordance with ISO 20022 methodology. A trade repository may in addition, after agreement with the entity concerned, provide access to details of derivatives contracts in another mutually agreed format.

(2) The counterparties to a trade shall generate a unique trade identifier for each derivative contract to enable trade repositories to aggregate and compare data across different trade repositories.

## Article 5 Operational standards for access to data

(1) A trade repository shall record information regarding the access to data given to the entities listed in Article 81(3) of Regulation (EU) No 648/2012.

(2) The information referred to in paragraph 1 shall include:

(a) the scope of data accessed;

(b) a reference to the legal provisions granting access to such data under Regulation (EU) No 648/2012 and this Regulation.

(3) A trade repository shall establish and maintain the necessary technical arrangements to enable the entities listed in Article 81(3) of Regulation (EU) No 648/2012 to connect using a secure machine-to-machine interface in order to submit data requests and to receive data.

For the purposes of the first subparagraph, a trade repository shall use the SSH File Transfer Protocol, except in relation to the FCA, for whom the use of Amazon S3 HTTPS API to upload/download files is required. The trade repository shall use standardised XML messages developed in accordance with the ISO 20022 methodology to communicate through that interface. A trade repository may in addition, after agreement with the entity concerned, set up a connection using another mutually agreed protocol.

(4) In accordance with Articles 2 and 3 of this Regulation, a trade repository shall provide the entities listed in Article 81(3) of Regulation (EU) No 648/2012 with access to the following information:

(a) all reports on derivatives contracts;

(b) the latest trade states of derivatives contracts that have not matured or which have not been the subject of a report with Action type "E", "C", "P" or "Z" as referred to in field 93 in Table 2 of the Annex to Commission Implementing Regulation (EU) No 1247/2012.

(5) A trade repository shall establish and maintain the necessary technical arrangements to enable the entities listed in Article 81(3) of Regulation (EU) No 648/2012 to establish

predefined periodic requests to access details of derivatives contracts, as determined in paragraph 4, necessary for those entities to fulfil their responsibilities and mandates.

(6) Upon request, a trade repository shall provide the entities listed in Article 81(3) of Regulation (EU) No 648/2012 with access to details of derivatives contracts according to any combination of the following fields as referred to in the Annex to Implementing Regulation (EU) No 1247/2012:

- (a) reporting timestamp;
- (b) reporting Counterparty ID;
- (c) ID of the other Counterparty;
- (d) corporate sector of the reporting counterparty;
- (e) nature of the reporting counterparty;
- (f) broker ID;
- (g) report submitting entity ID;
- (h) beneficiary ID;
- (i) asset class;
- (j) product classification;
- (k) product identification;
- (l) underlying identification;
- (m) venue of execution;
- (n) execution timestamp;
- (o) maturity date;
- (p) termination date;
- (q) CCP; and

(r) action type.

(7) A trade repository shall establish and maintain the technical capability to provide direct and immediate access to details of derivatives contracts necessary for the entities listed in Article 81(3) of Regulation (EU) No 648/2012 to fulfil their mandates and responsibilities. That access shall be provided as follows:

(a) where an entity listed in Article 81(3) of Regulation (EU) No 648/2012 requests access to details of outstanding derivatives contracts or of derivatives contracts which have either matured or for which reports with action types "E", "C", "Z" or "P" as referred to in field 93 in Table 2 of the Annex to Implementing Regulation (EU) No 1247/2012 were made not more than one year before the date on which the request was submitted, a trade repository shall fulfil that request no later than 12:00 Universal Coordinated Time on the first calendar day following the day on which the request to access is submitted.

(b) where an entity listed in Article 81(3) of Regulation (EU) No 648/2012 requests access to details of derivatives contracts which have either matured or for which reports with action types "E", "C", "Z" or "P" as referred to in field 93 in Table 2 of the Annex to Implementing Regulation (EU) No 1247/2012 were made more than one year before the date on which the request was submitted, a trade repository shall fulfil that request no later than three working days after the request to access is submitted.

(c) where a request to access data by an entity listed in Article 81(3) of Regulation (EU) No 648/2012 relates to derivative contracts falling under both points (a) and (b), the trade repository shall provide details of those derivatives contracts no later than three working days after that request to access is submitted.

(8) A trade repository shall confirm receipt and verify the correctness and completeness of any request to access data submitted by the entities listed in Article 81(3) of Regulation (EU) No 648/2012. It shall notify those entities of the result of that verification no later than sixty minutes after the submission of the request.

(9) A trade repository shall use electronic signature and data encryption protocols to ensure the confidentiality, integrity, and protection of the data made available to the entities listed in Article 81(3) of Regulation (EU) No 648/2012.



Article 6 Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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Signature