

From: Sonja Erica Väisänen
Sent: 13 April 2018 17:53
Cc: cmce@humbrophy.com
Subject: CMCE - Summary of CMCE EMIR WG (29 March 2018)

Dear Member of the CMCE EMIR Working Group,

Please find below a summary of the CMCE EMIR WG which took place on 29 March. The call focused on next steps following the publication and deliberation of amendments from MEPs in ECON.

Reporting of ETDs:

- The S&D group has suggested limiting delegated reporting by CCPs to small NFCs, which is not helpful for CMCE members.
- At this stage, it would require a lot of effort for CMCE to keep this exemption in the text. Member states opted to remove it from the Council General Approach and the Commission agrees with member states on staying with the status quo and looking at this at a later stage in light of MiFIR implementation. The Commission has also said that in their view this would be easier for NFCs, given that changing the rules now and again in a few years' time might be problematic.
- Members on the call were in agreement that ETD reporting is the key issue CMCE should seek to push for in its engagement with the Parliament.

Exemption for Intra-group transactions:

- There is support between the EPP, the ECR and ALDE for a broad exemption, whereas S&D and Member States have raised concerns related to financial stability risks and enforcement respectively. NCAs have raised concerns that the reporting data is the only way that they could check whether the clearing thresholds have been breached.
- It was suggested that CMCE should push for support to the broad exemption in the Parliament.

Calculation against clearing thresholds

- The S&D group have taken on CMCE's that the annual calculation of positions should be based on a 12-month period rather than what the Commission suggested (March, April, May) and that NFCs should be able to perform the calculation at any point in time based on 12 months.
- There was an interesting amendment made by Werner Langen and Kay Swinburne which suggest that NFCs are not obliged to perform the annual calculation, but should they choose not to calculate, they are de facto subject to the clearing obligation. It is not clear whether the idea is that NFCs would actually need to notify that they do not exceed the thresholds. The members on the call were of the view that this should not have a substantial impact.

Next steps:

- The Advisory team will amend the letter which was sent to ECON MEPs to take into account the amendments and with an emphasis on the concerns around ETD reporting. The letter will be circulated to the EMIR WG for comments and then sent to relevant MEPs in the ECON Committee. Given the time-frame, it's difficult to foresee meetings but it may be possible to organise calls with key MEPs offices if members are available.
- The rapporteur is expected to issue compromise amendments (essentially, the basis of discussion for shadow rapporteurs, so that the number of amendments is limited and condense the topics).

Please do not hesitate to let me know if you have any questions.

Best regards,
Sonja

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