



ESMA consultation on position limits

ESMA launched on 5 November its [consultation](#) on MiFID II review report on position limits and position management, which will close on 8 January 2020. Based on a revised timeline agreed with the European Commission, ESMA will be delivering its advice to the European Commission's report by 31 March 2020.

I. ACTIVE PRIORITIES

Brexit	
<i>CMCE priorities: Ancillary activity test, access to UK and EU trading venues, CCPs and TRs</i>	
Latest developments & CMCE action	Next steps
<p>On 29 October MPs backed an election on 12 December with 438 votes in favour and just 20 against. Parliament then dissolved on 6 November for a short campaign of five weeks.</p> <p>The upcoming election, which will be the first held in December since 1923, will see Brexit as the defining issue. This election is set to be very unpredictable with voters being more likely to switch parties than at any time in post-war history and MPs being nervous about going to the polls at such a politically volatile time and an unusual time of year.</p> <p>On 6 November European Commission President Ursula von der Leyen asked Boris Johnson in a letter to send a candidate for the UK's commissioner, urging him to also propose a woman. She has given him until Monday 11 November for an answer.</p>	<p>12 December 2019 – General election</p>
MiFID II	
<i>CMCE priorities: AA exemption, position limits, reporting, physical forwards</i>	

Latest developments & CMCE action	Next steps
<p>ESMA launched on 5 November its consultation on MiFID II review report on position limits and position management, which will close on 8 January 2020. Based on a revised timeline agreed with the European Commission, ESMA will be delivering its advice to the European Commission's report by 31 March 2020.</p> <p>Drawing on the responses received to the call for evidence published on 24 May 2019, this consultation provides an initial assessment of the impact of position limits and position management on commodity derivatives markets. It also seeks views and input from stakeholders on ESMA's proposal to revise the Technical Advice provided to the European Commission on the delegated acts to be adopted under Article 58(6) of MiFID II on position reporting by categories of position holders. More specifically, ESMA suggests revising the minimum number and size of open positions to be met by commodity derivatives, emission allowances and derivatives thereof to be subject to weekly position reports by the relevant trading venue.</p> <p>Under article 90(1) of MiFID II, the European Commission shall before 3 March 2020, after consulting ESMA, present a report to the European Parliament and the Council on the impact of the application of position limits and position management on liquidity, market abuse and orderly pricing and settlement conditions in commodity derivatives markets. However, based on a revised timeline agreed with the European Commission, ESMA will be delivering its advice to the European Commission's report on the impact of position limits and position management on commodity derivatives markets by 31 March 2020</p> <p>CMCE action A CMCE response to the ESMA call for evidence on position limits and position management in commodity derivatives was submitted on 5 July, and was published by ESMA on 12 July with all the responses it received to the call for evidence.</p> <p>Samina Anwar met with Tilman Lueder, Head of the Securities Markets Unit at DG FISMA, on 2 October to discuss position limits. A meeting with ESMA will be organised in the course of January 2020 to discuss the same issue.</p> <p>A call with the MiFID WG will be organised very soon to discuss CMCE's response to the ESMA consultation.</p>	<p>22 November 2019 – ESMA consultation on MiFIR alignment following the introduction of EMIR Refit closes</p> <p>8 January 2020 – ESMA consultation on position limits closes</p> <p>January 2020 – Deadline for ESMA to provide input to the European Commission on MiFID II/MiFIR review report on C6 energy derivatives contracts</p> <p>30 March 2020 – Deadline for ESMA to provide input to the European Commission on MiFID II/MiFIR review report on position limits and reporting</p>
EMIR	
<i>CMCE priorities: reporting, risk mitigation for uncleared trades, calculation of NFC's positions</i>	
Latest developments	Next steps
There were no significant developments in the last 2 weeks.	

Benchmarks

CMCE priorities: commodity benchmarks, critical benchmarks, third-country equivalence

Latest developments & CMCE action

The European Commission published on 11 October a [consultation](#) on the review of the benchmarks regulation, which will close on 6 December.

CMCE action

A call with the BMR WG was organised on Monday 28 October in order to prepare CMCE's response to the European Commission's consultation on the review of the benchmark regulation.

Prior to the launch of a formal consultation process, CMCE provided the FCA on 23 September with a written input on the Senior Managers and Certification Regime (SM&CR), which will apply from 7 December 2020 to UK authorised BM administrators.

Next steps

6 December 2019 – European Commission consultation on the review of the benchmarks regulation closes

7 December 2020 – Application of the SM&CR regime to benchmark administrators

II. WATCHING BRIEF

IFR

CMCE priorities: commodity dealer IF regime, scope of class I, changes to MiFID III/MiFIR third-country regime

Latest developments & CMCE action

The Council and the European Parliament reached an agreement in trilogue on 26 February.

MEPs endorsed the agreement in the ECON Committee on 1 April. The vote in plenary took place on 16 April [\[link\]](#) [\[link\]](#).

The legal linguistic review took place on 9-10 September [\[link\]](#) [\[link\]](#). The texts were this week presented in plenary for final approval. They still need to be approved by the Council at ministerial level. After the signature procedure, they will then be published in the EU Official Journal in November or December.

Next steps

MAR		
<i>CMCE priorities: Insider dealing, MM indicators</i>		
Latest developments & CMCE action		Next steps
<p>ESMA published on 3 October a consultation on MAR review. This follows a formal request of the European Commission to ESMA in March 2019 for technical advice on the report to be submitted by the European Commission under Article 38 of MAR. The consultation will close on 29 November. Based on the feedback received, ESMA intends to submit the final report to the European Commission in the spring of 2020. In addition, ESMA will organise an open hearing on MAR review on 5 November in Paris from 9:00 to 13:00 (Paris time). ESMA will present the purpose of the consultation and answer the industry's questions. The registration form can be found here.</p> <p>CMCE action Calls with the MAR WG took place on 24 October and 7 November. Their purpose was to discuss CMCE's response to the ESMA consultation. Following a request from the members, FIA participated to the call on 7 November.</p>		<p>29 November 2019 – ESMA consultation on MAR review closes</p> <p>Spring 2020 – ESMA to submit the final report providing technical to the European Commission on MAR review</p>
SFTR		
<i>CMCE priorities: reporting obligations</i>		
Latest developments & CMCE action		Next steps
There were no significant developments in the past two weeks.		Q4 2019 - ESMA to publish a final report on the guidelines on reporting under SFTR
Other relevant developments		
International role of the euro	There were no significant developments in the past 2 weeks.	Autumn 2019 – European Commission to report on the results of the consultation on the international role of the euro
REMIT	There were no significant developments in the past 2 weeks.	