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Additional Information

Level 1 Regulation
Markets in Financial Instruments Regulation (MiFIR) Regulation (EU) No 600/2014- MDP

Topic
* Transaction reporting

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Subject Matter
Transaction reporting

Question
Are transactions executed through non-EU branches of EU investment firms subject to transaction reporting under Article 26 of MiFIR?

ESMA Answer

14-12-2017

Original language

[ESMA 70-1861941480-56 MiFIR data reporting Q&A, Q&A 24.12]

Yes, transactions executed through non-EU branches of EU investment firms are subject to transaction reporting under Article 26 of MiFIR since a branch has no legal personality and is part of the investment firm according to Article 4(1)(30) of MIFID II. This requirement applies to transactions executed in financial instruments specified in Article 26(2) of MiFIR. The transaction reports should be sent to the competent authority of the home Member State of the investment firm following Article 14 of the RTS 22 and the branch should be identified with the LEI of its head office even if it may be considered eligible for an LEI in some cases (see first paragraph, point 5.5 of the ESMA Guidelines on Transaction Reporting).