

ESMA_QA_2777

Status: Answer Published

Additional Information

Level 1 Regulation

Regulation 648/2012 - OTC derivatives, central counterparties and trade repositories (EMIR)
- CCPs

Topic

EU-CCPs

Additional Legal Reference

Article 7a

Subject Matter

AAR representativeness obligation

Question

When and how should a counterparty comply with the representativeness obligation and subsequent reporting when it reaches the EUR 6 billion threshold for the first time?

ESMA Answer

27-02-2026

Original language

Counterparties must monitor their positions on a continuous basis against the relevant thresholds. Therefore, a counterparty subject to the AAR becomes subject to the representativeness obligation as soon as it reaches the EUR 6 billion threshold in the relevant categories referred to in Article 7a(6) of EMIR.

As a result, the first reporting is expected to be submitted at the next reporting date (either January or July, whichever is sooner).

However, it is recognised that full compliance with the representativeness obligation (i.e. clearing 5 trades on a yearly average in the account) can only be demonstrated once a complete year has passed.