Response Form to the Consultation Paper

Draft Technical advice to the European Commission on fees charged to Tier 1 Third-Country CCPs under EMIR

Responding to this paper

ESMA invites comments on all matters in this paper and in particular on the specific questions summarised in Annex 1. Comments are most helpful if they:

* respond to the question stated;
* indicate the specific question to which the comment relates;
* contain a clear rationale; and
* describe any alternatives ESMA should consider.

ESMA will consider all comments received by **8 December 2023.**

All contributions should be submitted online at [www.esma.europa.eu](http://www.esma.europa.eu) under the heading ‘Your input - Consultations’.

**Instructions**

In order to facilitate analysis of responses to the Consultation Paper, respondents are requested to follow the below steps when preparing and submitting their response:

1. Insert your responses to the questions in the Consultation Paper in the present response form.
2. Please do not remove tags of the type <ESMA\_QUESTION\_CCPFEES\_1>. Your response to each question has to be framed by the two tags corresponding to the question.
3. If you do not wish to respond to a given question, please do not delete it but simply leave the text “TYPE YOUR TEXT HERE” between the tags.
4. When you have drafted your response, name your response form according to the following convention: ESMA\_CCPFEES\_nameofrespondent\_RESPONSEFORM. For example, for a respondent named ABCD, the response form would be entitled ESMA\_CCPFEES\_ABCD\_RESPONSEFORM.
5. Upload the form containing your responses, in Word format, to ESMA’s website (www.esma.europa.eu under the heading “Your input – Open consultations”  “Consultation on the review of Tier 1 CCP fees”).

**Publication of responses**

All contributions received will be published following the close of the consultation, unless you request otherwise. Please clearly and prominently indicate in your submission any part you do not wish to be publicly disclosed. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure. A confidential response may be requested from us in accordance with ESMA’s rules on access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by ESMA’s Board of Appeal and the European Ombudsman.

**Data protection**

Information on data protection can be found at [www.esma.europa.eu](http://www.esma.europa.eu) under the heading ‘[Data protection](https://www.esma.europa.eu/about-esma/data-protection)’.

**Who should read this paper?**

This consultation is looking for feedback from third-country CCPs, market participants and authorities.

General information about respondent

|  |  |
| --- | --- |
| Name of the company / organisation | Click here to enter text. |
| Activity | Choose an item. |
| Are you representing an association? |[ ]
| Country/Region | Choose an item. |

Introduction

***Please make your introductory comments below, if any***

<ESMA\_COMMENT\_CCPFEES\_00>

TYPE YOUR TEXT HERE

<ESMA\_COMMENT\_CCPFEES\_00>

Questions

1. Do you agree with the proposal to introduce different annual fees levels based on the Tier 1 CCPs global turnover?

<ESMA\_QUESTION\_CCPFEES\_01>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_ CCPFEES \_01>

1. Do you agree that the relevant turnover should be based on audited figures of the Tier 1 CCP’s worldwide revenues from clearing services for the financial year n-2?

<ESMA\_QUESTION\_ CCPFEES \_02>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_ CCPFEES \_02>

1. Do you agree with the proposed thresholds and weighting factors to calculate Tier 1 CCPs annual fees?

<ESMA\_QUESTION\_ CCPFEES \_03>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_ CCPFEES \_03>

1. Do you agree that the Tier 1 CCPs annual fee framework should include a maximum and a minimum amount?

<ESMA\_QUESTION\_ CCPFEES \_04>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_ CCPFEES \_04>

1. Do you agree with the proposed amounts for the maximum and minimum annual fees for Tier 1 CCPs?

<ESMA\_QUESTION\_ CCPFEES \_05>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_ CCPFEES \_05>

1. Do you agree that an incentive mechanism should be implemented to ensure that ESMA is able to compute the fees for a given year?

<ESMA\_QUESTION\_ CCPFEES \_06>

TYPE YOUR TEXT HERE

<ESMA\_QUESTION\_ CCPFEES \_06>