

EBF Response: Improving the functioning of the MiFID database**CESR ref.: 07-832**

1. The European Banking Federation (EBF)¹ welcomes the opportunity to respond to CESR's consultation on the functioning of the MiFID database. We expect that this database will prove very helpful for both market participants and supervisors and have a strong interest in it functioning well and being up to date.
2. However, it is quite early to review the database at this stage and we believe that it should be **developed further in line with market experience**. With a view to CESR's assessment that comments after the current consultation will be difficult to take into account in the short/ medium term, we would therefore suggest that **another review be foreseen for the first half of 2009**.
3. We agree with the two amendments proposed by CESR. In addition, we would find it helpful that a few more additions be made:
4. First, we would like to reiterate the proposal that we made in response to CESR's MiFID work plan of setting up a **European list of investment firms that are subject to transaction reporting**. This is with regard to field no. 20 of Table 1 to Annex I of the Commission Regulation 1287/2006, which requests that the counterparty of a transaction has to be identified. If the counterparty is an investment firm, a unique code for that firm (determined by the competent authority) shall be used. Pursuant to Article 5, paragraph 3 of MiFID, Member States are requested to establish national registers of investment firms.

A common list of all investment firms subject to transaction reporting obligations, available in a standardised electronic format, would ensure that the highly automated reporting process can run smoothly by avoiding duplication of work and the need to consult several, incomplete databases. At the same time, it would allow investment firms to identify easily for post-trading purposes whether or not a counterparty is subject to the MiFID.

It would be most convenient to integrate this list into the existing MiFID database. We would request that it be in a format that can be processed automatically and updated on a regular basis.

5. In addition, we suggest that it be scrutinised to what extent the database can be extended to other kinds of financial instruments, e.g. bonds and derivatives admitted to trading, and including their identification codes, as required by Article 11 of Regulation 1287/2006. A consolidation of this information in the database would, in particular, facilitate firms' reporting pursuant to Article 25, point 3 of the MiFID.

¹ The European Banking Federation (EBF) is the voice of the European banking sector representing the vast majority of investment business carried out in Europe. It represents the interests of over 5,000 European banks, large and small, from 31 national banking associations, with assets of more than €20,000 billion and over 2.3 million employees.

6. We would furthermore appreciate that an **additional column be included in the database, which indicates the relevant minimum threshold** according to Table 4, Annex II of Commission Regulation 1287/2006, preferably in absolute amounts.
7. With regard to the list of **systematic internalisers proposed by CESR, it is not clear to us according to what criteria firms would be identified as such. We therefore request that in a first instance, clear and comprehensible criteria be agreed for this identification process.**