**Common reply**

As national OAMs we have been asked to review and comment the “Consultation Paper about the Regulatory Technical Standards on European Electronic Access Point (EEAP)”. After reviewing the paper we have subsequently discussed it with some of the OAMs. In this discussion we have identified a number of issues, which commonly affect the OAMs.

Therefore, we would like to bring this to ESMAs attention besides each national OAMs reply to the questionnaire.

1. Some fundamental and general concerns as regards the draft RTS on the EEAP:
* Some parts of the RTS seem to be a little too vague, a more specific language is needed (e.g. Art 4 ‘Communication technologies, support and maintenance’).
* European data protection law must not be violated, therefore we do not agree to the involvement of third parties such as commercial search engines.
* OAMs should be closely associated to further technical requirements on the operation of their systems; in the case of future ESMA Guidelines OAMs should be involved at the earliest possible stage of the drafting procedure; in any case prior to the public consultation process.
* The mandatory language of support has to be limited to the national OAMs language, as well as English.
1. The following issues are in no specific order. The order that is being used does not reflect the importance of these issues or whatsoever in any way.
2. Support (time, working language, ticket system)

In items 58 and 59 / p. 22 ESMA requires all OAMs to supply support to solve any access related issues. ESMA refers to its own support, especially to its working hours. This should be reflected by the support all OAMs provide.
In item 107/p. 32 ESMA implies OAMs would have to adjust their support procedures.

Here it seems to be unclear how the support responsibilities of OAMs are precisely defined.

In order for this to be made more clear, OAMs suggest the following:

* 1. Recipients of support provided by OAMs are the OAMs end-users only.

An additional help desk will be made available to the ESMA administrators

only.

* 1. Helpdesk and support by OAMs will be provided within the local working

hours of the respective OAM only.

* 1. Mandatory languages in which OAMs will supply support and helpdesk are

limited to the national native language of the respective OAM and English.

Other languages that support and helpdesk will be provided in are

completely optional and free of choice by the OAMs themselves.

* 1. The extent of the support that will be supplied by the OAMs to the end-

user is limited to the extent of the support that the local OAMs are currently already providing.

It is common understanding that the OAMs would encourage ESMA so set up a unified ticketing system in order to support communication processes between ESMA and OAMs as well as between OAMs. This could also be used for incident / downtime reporting in case of errors or maintenance on OAM platforms.

1. Commercial search engine
 In spite of the general acceptance of ESMAs recommendation to the choice of

technical infrastructure model (Option 4) the OAMs would speak out against the involvement of commercial search engine providers in the EEAP portal (sub-option 4b).

The use of commercial search engines, outside of European jurisdiction, can be problematic with regard to European legal regulations, European data protection provisions. Furthermore monitoring the use of data by commercial search engines is impossible or significantly difficult for OAMs/EEAP. Especially the terms & conditions of commercial search engines can be unilaterally changed by commercial search engine providers on short notice and at any time.

In regard to data security, which is emphasized in the consultation paper (item 83/p. 28), this sub-option is conflicting.

1. Classification

In general the OAMs would agree to the proposed list of common classification of

regulated information. However the suggestions on sub-classifications contain

risks for several other OAMs. Although some OAMs seem to be already prepared to implement the sub-classifications in either of the suggested options other OAMs see problems arise with this requirement.
Due to the fact that other OAM need to comply with other statutory requirements, the changes regarding the sub-classifications for the national OAMs would very likely have significant effects on the existing structures and processes. There might be risks that the changes required by ESMA could run counter to other national, statutory requirements.

1. Future technology standards

Item 100/p. 31 requires that all OAMs must follow the technical leadership that

EEAP pursues. All technical adjustments made to the EEAP would automatically

apply to all OAMs which timely need to adopt.

To keep the costs and coordination effort as low as possible, future technology standards should in any event be coordinated in advance with the OAMs and not specified by the ESMA alone.

1. Safety concept (data protection)

Generally the OAMs suggest that a safety concept (organizational and technical) should be created for the EEAP e.g. on how unauthorized access to metadata by third parties can be prevented and if and how the use of the data supplied by the OAMs should be limited.

1. Regulation of searches and hit lists on OAM’s sites

Items 37 and 39/p. 18 as well as Q14 contain some language on suggestions or

requirements regarding the visualization of search results or hit lists on the

websites of local OAMs. It would be highly appreciated if the requirements could clearly indicate that only the visualization on the EEAP should be regulated by ESMA. National OAM searches must not be regulated, rather only the presentation in EEAP. Everything else would limit the OAMs’ autonomy.

All searches should trigger queries and produce hit lists on the EEAP portal only.
All links to OAM’s websites should redirect to pages that are being controlled by OAMs only and do not need to interpret any query strings contained in the call other than the identifier of the requested document.

Cologne, 27th March 2015

#### Bundesanzeiger, Germany

#### Oesterreichische Kontrollbank Aktiengesellschaft, Austria

#### FSMA, Belgium

#### Cyprus Stock Exchange, Cyprus

#### DILA, France

#### Athexgroup, Greece

#### Blt Market Services, Italy

#### Malta Stock Exchange, Malta

Nasdaq, Operator of the OAMs: Finland, Lithuania, Iceland

Irish Stock Exchange, Ireland