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PRESS RELEASE

**First set of CESR Level 3 Guidelines and Recommendations on the smooth application of MiFID:
Market Data Consolidation & Record Keeping**

In publishing its final recommendations & guidelines on Market Data Consolidation, and its final recommendations on Record Keeping, today's publication puts in place CESR's first pieces of definitive Level 3 work, aimed at ensuring supervisory convergence among Members in the day to day implementation of Directive 2004/39/CE (MiFID).

○ **CESR's Level 3 Guidelines and recommendations on Publication and Consolidation of Market Data**

Following an initial call for evidence and a public consultation, CESR publishes guidelines and recommendations (Ref. CESR/07-043) to facilitate the understanding of certain requirements of the MiFID, and its Implementing Regulation on publication and consolidation of market information. These measures are intended to facilitate a consistent implementation of the provisions concerned, without imposing further obligations on investment firms, MTFs or regulated markets. This is accompanied by a feedback statement (Ref. CESR/07-086).

○ **CESR's Level 3 Recommendations on the List of minimum records under Article 51(3) of the MiFID Implementing Directive:**

Following a consultation of all market participants, CESR is also issuing today a final recommendation to its Members which sets out the content of the list of minimum records that competent authorities need to draw up in accordance with Article 51(3) of the MiFID Level 2 Implementing Directive (Ref. CESR/06-552c). This is accompanied by a feedback statement (Ref. CESR/07-085) which provides a summary of the main comments received by CESR along with some explanations on CESR's final approach to some of the most significant issues raised in the consultation.

CESR is of the opinion that both investors and industry stand to benefit from a common approach to the list.

The guidelines and recommendations address several practical issues on how regulated markets, MTFs and investment firms act when publishing transparency information required under MiFID. In particular, requirements related to timing of publication, process for monitoring the data quality as well as the use of a website as a publication channel. Another focus is on the consolidation of the information. Under the MiFID, consolidation of this information will be undertaken by market forces. In order to enhance that process CESR is issuing recommendations on how to facilitate the consolidation process including recommending the use of certain international standard.

The purpose of these guidelines and recommendations is to help investment firms, MTFs and regulated markets to assess the way in which these provisions are interpreted by competent authorities. They should also be understood as a 'safe harbour' to ensure that investment firms, MTFs and regulated markets fulfil their respective obligations when following the proposed guidelines and recommendations.

As such, both the guidelines and recommendations issued today are designed to ensure that the implementation and application of the Level 1 Directive and the Implementing Regulation, is



consistent across the EU. And, indeed, that these processes to ensure consistent application across Europe will have incorporated the views of market participants following CESR consultation process, which was undertaken prior to this consultation.



Notes for Editors:

1. CESR is an independent Committee of European Securities Regulators. The role of the Committee is to:
 - Improve co-ordination among securities regulators;
 - Act as an advisory group to assist the EU Commission, in particular in its preparation of draft implementing measures in the field of securities;
 - Work to ensure more consistent and timely day-to-day implementation of community legislation in the Member States;
 - The Committee was established under the terms of the European Commission's decision of 6 June 2001 (2001/1501/EC).

It is one of the two committees envisaged in the Final Report of the group of Wise Men on the regulation of European securities markets, chaired by Baron Alexandre Lamfalussy. The report itself was endorsed by the European Council and the European Parliament. The relevant documents are available on CESR's website.

2. CESR has established a 'MiFID Level 3 Expert Group' that will undertake work to deliver supervisory convergence in the day-to-day application of the legislation (i.e. Level 3). This group is chaired by Arthur Philippe, Director and member of the Management Board at the Commission de Surveillance du Secteur Financier, Luxembourg's securities supervisor. The secretariats' rapporteur of this group is Carlo Comporti, Deputy to the Secretary General at CESR and Director of Markets and Intermediaries.

There are two working sub-groups reporting to the MiFID Level 3 Expert Group:

- the 'Intermediaries sub-group', chaired by Antonio Carrascosa, Director General at the Comision Nacional del Mercado de Valores (CNMV), Spain's securities supervisor. The rapporteur of the 'intermediaries sub-group' is Diego Escanero, Senior Officer at CESR Secretariat;
- the 'Markets sub-group', chaired by Hans Wolters, Head of Policy at the Autoriteit Financiële Markten, Holland's securities supervisor. The rapporteur of the 'markets sub-group' is Jari Virta, Senior Officer at CESR Secretariat.

CESR has formed a MiFID Consultative Working Group which draws together technical experts from the markets and types of firms affected to provide advice on the technical practicalities of the guidance developed under the work programme. A list of its members is available on CESR's web site.

3. Each Member State of the European Union has one member on the Committee. The members are nominated by the Member States and are the Heads of the national public authorities competent in the field of securities. The European Commission has nominated the Director General of the DG Market, as its representative. Furthermore, the securities authorities of Norway and Iceland are also represented at a senior level.

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