

**Mr Michel Barnier  
Commissioner  
Internal Market and  
Services  
European Commission  
1049 Brussels  
Belgium**

## **Re: Regulatory Technical Standards under the CRA3 Regulation**

Dear Mr Barnier,

The Regulation (EU) No 462/2013 (CRA 3 Regulation) amending the Regulation (EC) No 1060/2009 requires ESMA to draft Regulatory Technical Standards (RTS) regarding: i) transparency of structured finance instruments (SFI), ii) the new European Rating Platform (ERP), and iii) the periodic reporting of fees charged by credit rating agencies.

Please find attached to this letter the three draft RTS together with a final report that outlines the feedback on the consultation responses together with a cost-benefit analysis. I would like to take the opportunity of this letter to provide you with additional explanations on the draft RTS on structured finance instruments.

The CRA 3 regulation has given ESMA the mandate to issue templates on all the SFI included in the scope of Article 8b. We have provided templates for those SFI where it has been technically possible to do so in this short period of time and have adopted a phase-in approach for any further templates. Going forward, the design and features of future standardised templates (including the information required, their level of granularity and the frequency of the periodical reporting) will be the result of various rounds of discussions within ESMA, with the Commission, the ECB and consultations with stakeholders to ensure that the specificities of each SFI will be fully taken into account. We are committed to undertake such work in the shortest possible time span, taking into account the complexity of the subject and the need to submit the draft templates to public consultation and to a cost-benefit analysis.

With regard to private and bilateral structured finance instruments, as it has not yet been possible to say to what extent the standardised disclosure templates included in this RTS will apply to such structured finance instruments, we have also in this case adopted a phase-in approach. As soon as possible, ESMA will cooperate with all relevant stakeholders to: (i) specify to which private and bilateral SFI the standardised disclosure templates apply, and (ii) develop



new disclosure templates that are suitable for the specific nature or features of the remaining private and bilateral SFI. As Recital (7) of the RTS specifies, when ESMA will have developed new standardized disclosure templates and related reporting obligations concerning private and bilateral structured finance instruments, it will submit to the Commission a proposal for amendment of the RTS.

Finally, I want to emphasise that ESMA will need time to develop the website on which disclosure of information required by the CRA3 Regulation for SFI should take place, due to the complexity and the considerable amount of information that the website should include. This is why the date of application indicated in the draft RTS is 1 January 2017. ESMA has already started working on the establishment of the new platform and should be able within a number of months to have more precise information about the time schedule required to deliver the website. For the choice of the new platform, the work of ESMA is aimed at identifying – based on the Level-1 mandate - the best solution in terms of costs and benefits.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'S/M' with a flourish.

Steven Maijoor

Chair

European Securities and Markets Authority