

# Public Register for the Trading Obligation for derivatives under MiFIR

In accordance with Article 34 of Regulation (EU) No 600/2014<sup>1</sup> (MiFIR), ESMA shall maintain a Public Register to inform market participants on the trading obligation for derivatives.

Pursuant to Commission Delegated Regulation (EU) 2017/2417 (“the Delegated Regulation no.1 on the trading obligation”)<sup>2</sup>, several classes of interest rate derivatives denominated in EUR as well as several classes of credit derivatives denominated in EUR are required to be traded on regulated markets (“RMs”), multilateral trading facilities (“MTFs”), organised trading facilities (“OTFs”) or third-country venues established in third-country in respect of which the European Commission has adopted an equivalence decision.

Commission Delegated Regulation (EU) 2022/749<sup>3</sup> entered into force on 18 May 2022 and amended Delegated Regulation no.1 on the trading obligation in the context of the transition to risk-free rate benchmarks. Consequently, the classes of interest rate derivatives denominated in GBP and USD previously included in the trading obligation are no longer in scope.

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<sup>1</sup> Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).

<sup>2</sup> Commission Delegated Regulation (EU) 2017/2417 of 17 November 2017 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council on markets in financial instruments with regard to regulatory technical standards on the trading obligation for certain derivatives (OJ L 343, 22.12.2017, p. 48).

<sup>3</sup> Commission Delegated Regulation (EU) 2022/749 of 8 February 2022 amending the regulatory technical standards laid down in Delegated Regulation (EU) 2017/2417 as regards the transition to new benchmarks referenced in certain OTC derivative contracts.

## **1.1. Classes of derivatives subject to the trading obligation**

### 1.1.1. OTC interest rate derivatives classes

As per Article 1 of the Delegated Regulation no.1 on the trading obligation, the classes of derivatives listed in the tables below are subject to the trading obligation.

**TABLE 1: FIXED-TO-FLOAT SINGLE CURRENCY INTEREST RATE SWAPS**

ID of the class	Type	Settlement Currency	Trade Start Type	Optionality	Tenor	Notional Type	Fixed Leg Payment Frequency	Fixed Leg Day Count Convention	Floating Leg Reference Index	Floating Leg Reset Frequency	Floating Leg Day Count Convention
1.1	Fixed-to-float	EUR	Spot (T+2)	No	2 to 10, 12, 15, 20 and 30Y	Constant	Annual or semi-annual	30/360 or Actual/360	EURIBOR 6M	Semi-annual or quarterly	Actual/360
1.2	Fixed-to-float	EUR	Spot (T+2)	No	2 to 7, 10, 15, 20 and 30Y	Constant	Annual or semi-annual	30/360 or Actual/360	EURIBOR 3M	Quarterly	Actual/360

**TABLE 2: INDEX CREDIT DEFAULT SWAPS**

ID of the class	Type	Sub-type	Geographical Zone	Reference Index	Settlement Currency	Series	Tenor
2.1	Index CDS	Untranching Index	Europe	iTraxx Europe Main	EUR	On-the-run and first off-the-run	5Y
2.2	Index CDS	Untranching Index	Europe	iTraxx Europe Crossover	EUR	On-the-run and first off-the-run	5Y

## 1.2. Trading venues where the classes of derivatives subject to the trading obligation are traded

### 1.2.1. EU trading venues

The table below lists the EU trading venues where the classes of derivatives subject to the trading obligation are available for trading.

**TABLE 3: EU TRADING VENUES RELEVANT FOR THE TRADING OBLIGATION**

Trading venue full name	MIC Code Type (Segment or Operating)	MIC Code	Country of establishment	Competent Authority	Venue Type (RM, MTF, OTF)	Interest Rate <sup>4</sup>	Credit <sup>5</sup>	Last update
Aurel BGC OTF	Segment	AURO	France	ACPR / AMF	OTF	YES	NO	16/01/2018
HPC SA OTF	Segment	HPCV	France	ACPR / AMF	OTF	YES	NO	21/03/2019

<sup>4</sup> Indicates whether the trading venue trades at least one class of interest rate derivatives subject to the trading obligation

<sup>5</sup> Indicates whether the trading venue trades at least one class of credit derivatives subject to the trading obligation

Trading venue full name	MIC Code Type (Segment or Operating)	MIC Code	Country of establishment	Competent Authority	Venue Type (RM, MTF, OTF)	Interest Rate <sup>4</sup>	Credit <sup>5</sup>	Last update
Tullet Prebon EU OTF	Segment	TPEU	France	ACPR / AMF	OTF	YES	NO <sup>6</sup>	03/10/2019
ICAP EU OTF	Segment	ICOT	France	ACPR / AMF	OTF	YES	YES	23/07/2019
TP ICAP EU MTF	Segment	TPIR, TPIO	France	ACPR / AMF	MTF	YES	NO	23/07/2019
Trad-X	Segment	TRXE	France	ACPR / AMF	MTF	YES	NO	27/11/2020
TSAF OTC OTF	Operating	TSAF	France	ACPR / AMF	OTF	YES	NO	22/12/2020
CIMD OTF	Segment	CIMV	Spain	CNMV	OTF	YES	YES	16/01/2018
CAPI OTF	Operating	CAPI	Spain	CNMV	OTF	YES	NO	16/01/2018

<sup>6</sup> Changed on 3 October 2019 from YES to NO. The previous value was an oversight.

Trading venue full name	MIC Code Type (Segment or Operating)	MIC Code	Country of establishment	Competent Authority	Venue Type (RM, MTF, OTF)	Interest Rate <sup>4</sup>	Credit <sup>5</sup>	Last update
Tradition España OTF	Operating	TEUR	Spain	CNMV	OTF	YES	YES	01/10/2021
Bloomberg Trading Facility B.V.	Operating	BTFE	Netherlands	AFM	MTF	YES	YES	21/03/2019
Tradeweb EU B.V.	Segment	TWEM	Netherlands	AFM	MTF	YES	YES	27/11/2020
EBS MTF (CME Amsterdam B.V.)	Operating	EBSN	Netherlands	AFM	MTF	YES	NO	27/11/2020
iSwap Euro B.V.	Operating	ISWP	Netherlands	AFM	MTF	YES	NO	04/04/2019
MTS Wematch Interdealer Swaps EU MTF	Segment	MSWP	Italy	Consob	MTF	YES	NO	05/09/2023

## 1.2.2. Third-country trading venues

In accordance with Article 28(1)(d) of MiFIR, counterparties may also fulfil the trading obligation by trading on a trading venue established in a third-country in respect of which the European Commission has adopted an equivalence decision and provided that the third country provides for an effective equivalent system for the recognition of trading venues.

The table below lists the third-countries that meet those conditions and the categories of trading venues covered by the equivalence decisions.

**TABLE 4: THIRD-COUNTRIES DEEMED EQUIVALENT FOR THE PURPOSE OF THE TRADING OBLIGATION**

Country	Reference of the Equivalence Decision	Category of trading venues covered by the Equivalence Decision
United States of America	Commission Implementing Decision (EU) 2017/2238 <sup>7</sup>	Designated contract markets (DCM) and Swap execution facilities (SEF) listed in the Annex to the Decision
Singapore	Commission Implementing Decision (EU) 2019/541 <sup>8</sup> amended by Commission	Approved exchanges and Recognised Market Operators listed in the Annex to the Decision

<sup>7</sup> Commission Implementing Decision (EU) 2017/2238 of 5 December 2017 on the equivalence of the legal and supervisory framework applicable to designated contract markets and swap execution facilities in the United States of America in accordance with Regulation (EU) No 600/2014 of the European Parliament and of the Council (OJ L 320, 6.12.2017, p. 11).

<sup>8</sup> Commission Implementing Decision (EU) 2019/541 of 1 April 2019 on the equivalence of the legal and supervisory framework applicable to approved exchanges and recognised market operators in Singapore in accordance with Regulation (EU) No 600/2014 of the European Parliament and of the Council (OJ L 93, 2.4.2019, p. 18).

Country	Reference of the Equivalence Decision	Category of trading venues covered by the Equivalence Decision
	Implementing Decision (EU) 2020/2127 <sup>9</sup>	

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<sup>9</sup> Commission Implementing Decision (EU) 2020/2127 of 16 December 2020 amending Commission Implementing Decision (EU) 2019/541 on the equivalence of the legal and supervisory framework applicable to approved exchanges and recognised market operators in Singapore in accordance with Regulation (EU) No 600/2014 of the European Parliament and of the Council (OJ L 426, 17.12.2020, p. 65).



### 1.3. Dates from which the trading obligation takes effect

The table below gives an overview of the dates on which the trading obligation takes effect pursuant to the Delegated Regulation no.1 on the trading obligation.

**TABLE 5: DATES FROM WHICH THE TRADING OBLIGATION TAKES EFFECT**

Category of counterparty	Short description of the category	Date of taking effect for classes 1.1 to 1.8	Date of taking effect for classes 2.1 and 2.2
<b>Category 1</b>	Clearing Members in the classes subject to the clearing obligation Please refer to the <a href="#">Public Register for the clearing obligation</a> for additional information on the clearing members in Category 1	3 January 2018	3 January 2018
<b>Category 2</b>	<ul style="list-style-type: none"> <li>— Financial counterparties above the EUR 8bn threshold</li> <li>— Alternative investment funds that are non-financial counterparties and above the EUR 8bn threshold</li> </ul>	3 January 2018	3 January 2018
<b>Category 3</b>	<ul style="list-style-type: none"> <li>— Financial counterparties below the 8bn threshold</li> <li>— Alternative investment funds that are non-financial counterparties and below the 8bn threshold</li> </ul>	21 June 2019 <sup>10</sup>	21 June 2019 <sup>7</sup>

<sup>10</sup> Article 3(1)(c) of Commission Delegated Regulation 2015/2205 was amended by Article 1 of Commission Delegated Regulation (EU) 2017/751 of 16 March 2017. However, due to the entry into force of EMIR Refit (Regulation (EU) 2019/834 of 20 May 2019 amending EMIR), ESMA clarified the starting date of the clearing obligation for counterparties in Category 3. Please, refer to OTC Question 25(a) of ESMA Q&A on EMIR implementation (ESMA70-1861941480-52): "Q: (a) By when does an FC+ in Category 3 need to start clearing?; A: (a) Counterparties in Category 3 that are above the clearing thresholds on the day Refit enters into force or that choose not to conduct the calculation will become subject to the clearing obligation. They will have to start clearing OTC derivative contracts (pertaining to a class of OTC derivatives which is subject to the clearing obligation) entered into or novated more than 4 months following their notification to ESMA and the relevant NCAs

<b>Category 4</b>	Non-financial counterparties not included in Categories 1, 2 or 3	21 December 2018	9 May 2019
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(notification that should be submitted on the day Refit enters into force), rather than on 21 June 2019, the date when the clearing obligation is being phased-in for Category 3 according to the relevant Commission Delegated Regulations on the clearing obligation.”