**Complaint Form**

Should you need to submit a complaint about an ESMA supervised trade repository, which might not be fulfilling its responsibilities under EMIR[[1]](#footnote-1) or SFTR[[2]](#footnote-2), please fill in this form.

We can best investigate your complaint if we receive detailed and complete information.

The completed form should be sent to TR-info@esma.europa.eu. In the email subject line, you should include “Complaint about Trade Repository”.

If you cannot send this complaint form by email, please send it in paper format to the following address:

European Securities and Markets Authority

Conduct Supervision and Convergence Department, Market Transparency Infrastructure

201-203 rue de Bercy

CS 80910

75589 Paris Cedex 12 - France

Upon the reception of your complaint, we will send you an acknowledgement of receipt with a number assigned to your complaint. Please keep this reference number for further contacts with ESMA. ESMA may contact you if additional information is needed.

Note that all information that is acquired by ESMA in this complaint will in principle be considered confidential, except where such disclosure is necessary for legal proceedings. ESMA is also entitled to exchange information with certain other public authorities.

The information provided by you might be added to ESMA’s file and at a later date access to this file may be given to those parties entitled to such access, subject to the legitimate interest of other persons in the protection of their business secrets. The right of access to the file does not extend to confidential information affecting third parties.

For this purpose, if you consider any information in your complaint to be confidential or to constitute business secrets, please mark it clearly in your complaint form.

Any personal data processed in this complaint form will be handled in compliance with the rules on data protection in Regulation (EU) 2018/1725. The processing of the personal data is performed on the basis of Article 5(1)(a) of Regulation (EU) 2018/1725, and ESMA is the data controller. For any information on the processing of your personal data please contact the DPO (dpo@esma.europa.eu)

**Name of the organisation on behalf of which you are submitting this complaint:**

**Address of the organisation on behalf of which you are submitting this complaint:**

**The main area in which your organisation works:**

[ ]  Asset management

[ ]  Audit/Legal/Consultant

[ ]  Authority/Enforcement

[ ]  Banking

[ ]  CCP

[ ]  Industry

[ ]  Insurance/Pension

[ ]  Regulated Markets/Exchange/Trading Systems

[ ]  Other Market infrastructure

[ ]  Other: (*please specify*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Your Name, position and contact details in the organisation:[[3]](#footnote-3)**

Name and title:

Tel:

E-mail:

**Please indicate if you wish to keep confidential the identity of the organisation on behalf of which you are submitting the complaint[[4]](#footnote-4)**

[ ]  Do not disclose the identity of the organisation which is submitting the complaint to the relevant trade repository

**About which trade repository are you complaining?[[5]](#footnote-5)**

[ ]  DTCC Data Repository Plc (DDRIE, Ireland)

[ ]  Krajowy Depozyt Papierów Wartosciowych S.A. (KDPW)

[ ]  LSEG Regulatory Reporting B.V.

[ ]  Regis-TR S.A.

**Subject matter**

[ ]  Access to trade repository services for mandatory reporting purposes

[ ]  Potential discrimination

[ ]  Difficulties in submitting/modifying reports

[ ]  Inaccurate record-keeping of information reported

[ ]  Confidentiality of data

[ ]  Availability of public data

[ ]  Timeliness of public data

[ ]  Completeness and consistency of public data

[ ]  Pricing issues

[ ]  Ancillary services

[ ]  IT Issues

[ ]  Other: *(please specify)*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**The content of your complaint:**

**What negative impact the situation described in your complaint has?**

**Please indicate whether you have already informed the trade repository of your complaint and any actions, if any, undertaken by the trade repository.**

**You can attach documents to your complaint, such as contracts, letters or other to help us better understand your complaint.**[[6]](#footnote-6) **Please list the documents attached and mark the ones that you wish to keep confidential.**

|  |  |  |
| --- | --- | --- |
| **Document No.** | **Document title** | **Mark if needed to be treated as confidential** |
| **1** |  | [ ]  |
| **2** |  | [ ]  |
| **4** |  | [ ]  |
| **5** |  | [ ]  |

*(please add more lines to the table if needed)*

**Complainant signature**

[ ]  By ticking in this box, I submit my complaint for ESMA’s consideration and I confirm that all the information that I have provided is true and accurate to the best of my knowledge.

1. Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p.1). [↑](#footnote-ref-1)
2. Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p.1). [↑](#footnote-ref-2)
3. Please note that your name and contact details will only be used by ESMA staff to communicate with you regarding your complaint. [↑](#footnote-ref-3)
4. If you do not require a confidential treatment, the identity of the organisation might be disclosed by ESMA to the relevant trade repository. [↑](#footnote-ref-4)
5. Please note that if your complaint involves more than one trade repository, you will need to submit a separate complaint for each trade repository involved and will receive separate case numbers for each complaint. [↑](#footnote-ref-5)
6. You should specify if you wish to keep the files attached confidential. If you do not require a confidential treatment, this information might be disclosed by ESMA to the relevant trade repository. [↑](#footnote-ref-6)