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| 23 April 2020 |

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| Response form for the Joint Consultation Paper concerning ESG disclosures |
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| Date: 23 April 2020  ESMA 34-45-904 |

Responding to this paper

The European Supervisory Authorities (ESAs) invite comments on all matters in this consultation paper on ESG disclosures under Regulation (EU) 2019/2088 on sustainability-related disclosures in the financial sector (hereinafter “SFDR”) and in particular on the specific questions summarised in Section 3 of the consultation paper under “Questions to stakeholders”.

Comments are most helpful if they:

contain a clear rationale; and

describe any alternatives the ESAs should consider.

When describing alternative approaches the ESAs encourage stakeholders to consider how the approach would achieve the aims of SFDR.

Instructions

In order to facilitate analysis of responses to the Consultation Paper, respondents are requested to follow the below steps when preparing and submitting their response:

1. Insert your responses to the questions in the Consultation Paper in the present response form.
2. Please do not remove tags of the type <ESA\_QUESTION\_ESG\_1>. Your response to each question has to be framed by the two tags corresponding to the question.
3. If you do not wish to respond to a given question, please do not delete it but simply leave the text “TYPE YOUR TEXT HERE” between the tags.
4. When you have drafted your response, name your response form according to the following convention: ESA\_ESG\_nameofrespondent\_RESPONSEFORM. For example, for a respondent named ABCD, the response form would be entitled ESA\_ESG\_ABCD\_RESPONSEFORM.
5. The consultation paper is available on the websites of the three ESAs and the Joint Committee. Comments on this consultation paper can be sent using the response form, via the [ESMA website](https://www.esma.europa.eu/press-news/consultations) under the heading ‘Your input - Consultations’ by 1 September 2020.
6. Contributions not provided in the template for comments, or after the deadline will not be processed.

Publication of responses

All contributions received will be published following the close of the consultation, unless you request otherwise in the respective field in the template for comments. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure. A confidential response may be requested from us in accordance with ESAs rules on public access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by ESAs Board of Appeal and the European Ombudsman.

Data protection

The protection of individuals with regard to the processing of personal data by the ESAs is based on Regulation (EU) 2018/1725[[1]](#footnote-2). Further information on data protection can be found under the [Legal notice](http://www.eba.europa.eu/legal-notice) section of the EBA website and under the [Legal notice](https://eiopa.europa.eu/Pages/Links/Legal-notice.aspx) section of the EIOPA website and under the [Legal notice](https://www.esma.europa.eu/legal-notice) section of the ESMA website.

# General information about respondent

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| --- | --- |
| Name of the company / organisation | MEDEF |
| Activity | Non-financial counterparty |
| Are you representing an association? |  |
| Country/Region | France |

# Introduction

Please make your introductory comments below, if any:

<ESA\_COMMENT\_ESG\_1>

TYPE YOUR TEXT HERE

<ESA\_COMMENT\_ESG\_1>

* : Do you agree with the approach proposed in Chapter II and Annex I – where the indicators in Table 1 always lead to principal adverse impacts irrespective of the value of the metrics, requiring consistent disclosure, and the indicators in Table 2 and 3 are subject to an “opt-in” regime for disclosure??

<ESA\_QUESTION\_ESG\_1>

Firstly, as the French business association representing companies of all sizes and sectors, therefore both issuers and investors, MEDEF would like to highlight that a issuers-investors dialogue is crucial on non-financial reporting, to ensure that the information produced by companies is feasible, relevant, and useful both internally and externally, for the investors as well as the other users of the non-financial reporting (NGOs, academics, …). In the context of this consultation, MEDEF wishes to raise the point of view of issuing companies, while taking into account investors’ needs.

For MEDEF, improving the consideration of adverse sustainability impacts in sustainable finance requires reliable non-financial information from issuers. This information is at the heart of the non-financial reporting directive (NFRD), which the European Commission will revise in the coming year. At the core of the revision is the possible elaboration of EU non-financial reporting standards, which MEDEF supports. Indeed, there is a common understanding that companies face increasing demands for reporting from various stakeholders with various and sometimes conflicting interests, and that there is a lack of global consensus on a reporting framework of reference. MEDEF considers that a standardised non-financial reporting framework is needed at the European level to enhance comparability as well as supplant any private initiative that adds reporting burden and complexity for companies. Companies and their stakeholders, notably the investors, must be fully associated to the process in order to insure the acceptability and effective use of the developed standard.

MEDEF recognize the need for investors to have information from issuers to fulfil their own obligations. In this context, the development of mandatory indicators for the investors, based on information collected from issuers, raises questions:

* regarding the coherence of content and calendar between the various European commission’s initiatives;
* regarding the association of the relevant stakeholders, first and foremost the issuers which are at the source of non-financial information.

Therefore, in order to reach better alignment between issuers and investors obligations, MEDEF recommends to develop the non-financial information chain in 3 steps:

1. Develop a short list of 10 non-financial indicators maximum for investors based on issuers information. This is needed by investors to meet their obligations under the Disclosure requirement (2019/2088) and is the object of the current consultation. The list must be focused on key cross-sectoral indicators which are already commonly produced by companies today to avoid creating additional reporting burden for issuers. The main work on developing non-financial reporting standards involving issuers must remain in the perimeter of the NFRD revision.
2. Develop a common EU non-financial reporting standard, within the framework of the NFRD revision. This is the only channel ensuring sufficient association of the relevant stakeholders, including issuers and investors representatives. A mandate has been given this summer by the European Commission to EFRAG to start the reflexion on this subject.
3. On the basis of the NFRD revision, adapt the Disclosure requirement regulation to reach a better alignment between the obligations.

For those reasons, MEDEF judges premature to establish a detailed list of indicators for investors, denying the current lack of comparability of non-financial information required by the NFRD. The proposed list of adverse impacts is very extensive and raises difficulties as the data would not always be available in the investees companies’ non-financial reporting. Besides, qualitative and quantitative information should both be considered, as both contribute to the good quality of non-financial information.

Furthermore, MEDEF does not share the view that each proposed indicator always leads to principal adverse impacts. Financial market participants should be given more possibilities to choose the relevant indicators to select and measure adverse impacts.

Indeed, MEDEF does not consider that the consultation paper demonstrate that each proposed indicator leads to principal adverse impact and such a reasoning is not developed in the regulation 2019/2088.

<ESA\_QUESTION\_ESG\_1>

* : Does the approach laid out in Chapter II and Annex I, take sufficiently into account the size, nature, and scale of financial market participants activities and the type of products they make available?

<ESA\_QUESTION\_ESG\_2>

In MEDEF’s view, the proposal stating that each proposed indicator always leads to principal adverse impact does not take into account the diversity of financial market participants profiles and of their investment strategy.

In addition, by nature, a cross-sectoral list of indicators cannot fully take into account companies’ specificities that come with various sectors, sizes, localisation, history and culture. Therefore, it is for instance crucial to give room for qualitative information, in addition to quantitative information, in order to allow financial market participants and companies to explain properly their strategy and actions regarding sustainability.

<ESA\_QUESTION\_ESG\_2>

* : If you do not agree with the approach in Chapter II and Annex I, is there another way to ensure sufficiently comparable disclosure against key indicators?

<ESA\_QUESTION\_ESG\_3>

Developing comparable disclosure against key indicators needs comparable disclosures from issuers as the first step. This is not the case within the current applicable texts. Indeed, to ensure sufficiently comparable disclosure among issuers is one of the goals of the NFRD revision, for which the European Commission should publish a proposal beginning 2021. In addition, preliminary work on possible EU non-financial reporting standards has been asked by the Commission to EFRAG, which should publish its report in January 2021.

In MEDEF’s view, the main, in-depth, structuring work on non-financial reporting should be made in this context to later inspire aggregated KPIs at the portfolios’ or investors’ level. Therefore, at this stage, the disclosure regulation’s delegated act should remain focused on a brief set of KPIs and be progressively completed.

<ESA\_QUESTION\_ESG\_3>

* : Do you have any views on the reporting template provided in Table 1 of Annex I?

<ESA\_QUESTION\_ESG\_4>

In MEDEF’s view, the proposed structure for Table 1 of Annex 1 is articulated around the four main topics of sustainability reporting already used in the issuers reporting obligations: environmental matters, social and employee, respect for human rights, and anti-corruption and anti-bribery matters. This is appropriate as in coherence with existing non-financial reporting organisation of the information.

However, regarding the indicators, overall, MEDEF considers that the list is too long and includes indicators that could be difficult for companies to produce, especially SMEs, in addition to not being necessarily relevant.

<ESA\_QUESTION\_ESG\_4>

* : Do you agree with the indicators? Would you recommend any other indicators? Do you see merit in including forward-looking indicators such as emission reduction pathways, or scope 4 emissions (saving other companies´ GHG emissions)?

<ESA\_QUESTION\_ESG\_5>

As mentioned above, MEDEF considers that the list of indicators should be reduced to a limited number of KPIs, to be later completed when the EU common non-financial reporting standards emerge.

In detail, for MEDEF, some indicators in the proposed list lack feasibility or relevance. For instance:

***Adverse sustainability indicators for environmental matters***

* **5- Total energy consumption from non-renewable sources and share of non-renewable energy consumption**: The notion of “non-renewable” prevents from having a full visibility on all low-carbon sources of energy.
* **6- Breakdown of energy consumption by type of non-renewable sources of energy**: same remark as above, the notion of “non-renewable” prevents from having a full visibility on all low-carbon sources of energy.
* **9- Biodiversity and ecosystem preservation practices:** 
  + 1: Due to the lack of maturity of the subject and commonly agreed upon methodologies on the matter, MEDEF is afraid there would be a significant amount of investments concerned by a non-monitoring of the pressures on biodiversity, especially regarding indirect effects. If kept, the indicator should at least be restated as: “Share of all investments in investee companies that do not assess, monitor or control, through a dedicated management system, the pressures corresponding to the **~~indirect and direct~~** drivers of biodiversity and ecosystem change”;
  + 2: Same remark for the second indicator, which should be reformulated as: “Share of all investee companies that do not assess, monitor or control, through a dedicated management system, the pressures corresponding to the **~~indirect and direct~~** drivers of biodiversity and ecosystem change”.
* **10- Natural species and protected areas:** 
  + 1: Modify the indicator as following: “Share of investments invested in investee companies whose operations **impair ~~affect~~** IUCN Red List species and/or national conservation list species **without any mitigation measures**”
  + 2: Modify the indicator as following: “Share of investments in investee companies **~~with operational sites owned, leased, managed in, or adjacent to,~~ whose operations impair** protected areas without any mitigation measures **~~and areas of high biodiversity value outside protected areas~~**”
* **12- Water emissions**: For investee companies, the relevant indicator is a ratio of water quantity per tonnage of products.
* **16- Non-recycled waste ratio**: the proposed indicator is not actually a ratio. MEDEF considers that a ratio is more relevant than an indicator in volume and that a waste recycling rate should be preferred. This also present the advantage of allowing to take into account material and energy recovery other than recycling, which can be more important in some sectors (for instance, composting in agribusiness).

***Adverse sustainability indicators for social and employee, respect for human rights, anti-corruption and anti-bribery matters***

* Overall, regarding the **indicators “share of investments in entities/investee companies without … policies”** (for instance number 17, 21, 23, 24, 25, 26, 30…), in MEDEF’s view, a threshold should be added in order to avoid the risk of crowding out SMEs which commonly have less formalized policies on certain matters.
* **19- Excessive CEO pay ratio**: Firstly, the explanation in the metric column is different from the indicator title. In one the CEO pay is targeted and in the other the highest compensated individual. In any case, a comparison between executives and employees for a whole group is not relevant. The compensation is very different from a country to another (depending on various factors such as social contributions for example). Furthermore, data collection for the whole group can be very complicated.
* **26 & 27- Operations and suppliers at significant risk of incidents of child labour & Operations and suppliers at significant risk of incidents of forced or compulsory labour**: it is unclear how investors could compile compelling data on those matters. As for most other social, human rights and anti-corruption and anti-bribery matters, it seems more relevant to use the share of investments in investee companies without policies on the issue”.
* **31- Cases of insufficient action taken to address breaches of standards of anti-corruption and antibribery**: “procedures” and “breaches” are not defined. Currently, no countries have exactly the same regulations on this matter. There are always differences. Therefore, the concepts in these indicators need to be clarified.
* **32- Number of convictions and amount of fines for violation of anti-corruption and anti-bribery laws**: what would be temporality? Over the year? For a longer period of time? If the later, some companies could be strongly penalized even though they have already paid a fee and are under monitoring by an authority to ensure that the anti-corruption programs in place are robust.

**Regarding Table 2 of Annex 1 :**

* Environmental matters:
  + **1 to 4- Emissions:** For investee companies, it is more relevant to work with emissions per tonnage of product. it could be interesting to analyse progression or the use of best available techniques to manage and mitigate emissions.
  + **5- Water usage**: For investee companies, it is more relevant to work with water consumed per tonnage of product.
* Social matters:
  + **3- Supplier code of conduct**: as for table 1, a threshold could be added in order to avoid the risk of crowding out SMEs which commonly have less formalized policies on certain matters, including code of conduct. Moreover, companies sometimes refer to their own code of conduct in contractual clauses. This situation is not reflected in the proposed indicators. This is also the case for the other indicators.
  + **4- Grievance/complaints handling mechanism**: as for table 1, a threshold could be added in order to avoid the risk of crowding out SMEs which commonly have less formalized policies on certain matters, including regarding grievance/complaints handling mechanisms.
  + **5- Incidents of discrimination**: how is defined “incidents of discrimination”? Notification procedure towards management or another person? Sanctions of the company’s rules of procedure? Legal action? This needs to be defined.
  + **6- Lack of separation of CEO and Chair functions on the boards of investee companies**: This indicator seems lost in a category that is not relevant. We do not understand how the separation of the CEO and Chair functions may impact “social and employee, respect for human rights, anti-corruption and anti-bribery matters”. Furthermore, the separation of these functions does not give any indication on a good governance (there is no study that demonstrates it). When taken alone, this indicator is not relevant, it is important to consider an overview, there are various factors that may explain the choice to separate or not these functions (the share ownership, the existence of a lead independent director, etc).

<ESA\_QUESTION\_ESG\_5>

* : In addition to the proposed indicators on carbon emissions in Annex I, do you see merit in also requesting a) a relative measure of carbon emissions relative to the EU 2030 climate and energy framework target and b) a relative measure of carbon emissions relative to the prevailing carbon price?

<ESA\_QUESTION\_ESG\_6>

MEDEF considers that the proposed list is already too long and complex and consequently, does not require any addition.

<ESA\_QUESTION\_ESG\_6>

* : The ESAs saw merit in requiring measurement of both (1) the share of the investments in companies without a particular issue required by the indicator and (2) the share of all companies in the investments without that issue. Do you have any feedback on this proposal?

<ESA\_QUESTION\_ESG\_7>

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<ESA\_QUESTION\_ESG\_7>

* : **Would you see merit in including more advanced indicators or metrics to allow financial market participants to capture activities by investee companies to reduce GHG emissions? If yes, how would such advanced metrics capture adverse impacts?**

<ESA\_QUESTION\_ESG\_8>

MEDEF considers that the proposed list is already too long and complex and consequently, does not require any addition. Furthermore, such debates on the accuracy of any particular KPIs, in this case on climate topics, should be first organised in the relevant texts for investees companies, enabling the NFRD to develop the adequate non-financial information and, downstream, the investors may take such information into account to improve the accuracy of their adverse impact analyses. Building the system in the opposite order is not desirable given the complexity of the technical considerations, for instance regarding the multiple side effects of GHG emissions between interrelated sectors.

<ESA\_QUESTION\_ESG\_8>

* : Do you agree with the goal of trying to deliver indicators for social and employee matters, respect for human rights, anti-corruption and anti-bribery matters at the same time as the environmental indicators?

<ESA\_QUESTION\_ESG\_9>

We agree with the goal of trying to deliver indicators on these four matters at the same time. Although the information on environmental matters could be considered more mature at this stage, social and governance aspects of sustainability are of equal importance in order to give a more holistic approach of sustainability and the company’s overall sustainability strategy. It is interesting to note that the four matters are the same in the non-financial reporting directive, showing the crucial need to link the initiatives and avoid duplicates.

However, the current proposed list of indicators raises similar difficulties as the one for environmental matters: a too extensive list of indicators, lacking of consideration of the size of the company… Besides, in MEDEF’s view, the ESAs should further analyse the eviction risk which could occur for small and medium investees companies. For instance, regarding indicator 30 on anti-corruption and anti-bribery policies, the French law on the matter applies to companies above 500 salaries.

<ESA\_QUESTION\_ESG\_9>

* : Do you agree with the proposal that financial market participants should provide a historical comparison of principal adverse impact disclosures up to ten years? If not, what timespan would you suggest?

<ESA\_QUESTION\_ESG\_10>

Ten years’ history for the indicators does not seem feasible nor currently relevant due to the rapid evolution of the aggregates, their definition and scope, the lack of maturity on certain subject which requires further research to enable best practices to emerge. For instance, biodiversity lacks commonly accepted KPIs. Even in a more mature field such as climate KPIs, the definition, content and scope of KPIs still evolve rapidly.

<ESA\_QUESTION\_ESG\_10>

* : Are there any ways to discourage potential “window dressing” techniques in the principal adverse impact reporting? Should the ESAs consider harmonising the methodology and timing of reporting across the reference period, e.g. on what dates the composition of investments must be taken into account? If not, what alternative would you suggest to curtail window dressing techniques?

<ESA\_QUESTION\_ESG\_11>

The entire European commission action plan on sustainable finance and the corresponding legislative measures represent tremendous drive to better integrate sustainability matters across financial solutions and tools. Those new requirements are not yet in effect. It would be premature to reinforce methodology and timing of reporting; it is preferable to evaluate first the effects of the implementation of the up-coming measures.

<ESA\_QUESTION\_ESG\_11>

* : Do you agree with the approach to have mandatory (1) pre-contractual and (2) periodic templates for financial products?

<ESA\_QUESTION\_ESG\_12>

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<ESA\_QUESTION\_ESG\_12>

* : If the ESAs develop such pre-contractual and periodic templates, what elements should the ESAs include and how should they be formatted?

<ESA\_QUESTION\_ESG\_13>

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<ESA\_QUESTION\_ESG\_13>

* : If you do not agree with harmonised reporting templates for financial products, please suggest what other approach you would propose that would ensure comparability between products.

<ESA\_QUESTION\_ESG\_14>

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<ESA\_QUESTION\_ESG\_14>

* : Do you agree with the balance of information between pre-contractual and website information requirements? Apart from the items listed under Questions 25 and 26, is there anything you would add or subtract from these proposals?

<ESA\_QUESTION\_ESG\_15>

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<ESA\_QUESTION\_ESG\_15>

* : Do you think the differences between Article 8 and Article 9 products are sufficiently well captured by the proposed provisions? If not, please suggest how the disclosures could be further distinguished.

<ESA\_QUESTION\_ESG\_16>

MEDEF regrets the lack of differences between proposals regarding article 8 and article 9 products whereas the regulation 2019/2088 has clearly created a distinction with separate articles.

<ESA\_QUESTION\_ESG\_16>

* : Do the graphical and narrative descriptions of investment proportions capture indirect investments sufficiently?

<ESA\_QUESTION\_ESG\_17>

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<ESA\_QUESTION\_ESG\_17>

* : The draft RTS require in Article 15(2) that for Article 8 products graphical representations illustrate the proportion of investments screened against the environmental or social characteristics of the financial product. However, as characteristics can widely vary from product to product do you think using the same graphical representation for very different types of products could be misleading to end-investors? If yes, how should such graphic representation be adapted?

<ESA\_QUESTION\_ESG\_18>

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<ESA\_QUESTION\_ESG\_18>

* : Do you agree with always disclosing exposure to solid fossil-fuel sectors? Are there other sectors that should be captured in such a way, such as nuclear energy?

<ESA\_QUESTION\_ESG\_19>

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<ESA\_QUESTION\_ESG\_19>

* : Do the product disclosure rules take sufficient account of the differences between products, such as multi-option products or portfolio management products?

<ESA\_QUESTION\_ESG\_20>

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<ESA\_QUESTION\_ESG\_20>

* : While Article 8 SFDR suggests investee companies should have “good governance practices”, Article 2(17) SFDR includes specific details for good governance practices for sustainable investment investee companies including “sound management structures, employee relations, remuneration of staff and tax compliance”. Should the requirements in the RTS for good governance practices for Article 8 products also capture these elements, bearing in mind Article 8 products may not be undertaking sustainable investments?

<ESA\_QUESTION\_ESG\_21>

In MEDEF’s view, the differences in terminology between different articles of SFDR and between SFDR and taxonomy add complexity to correctly assess the new requirements for financial market participants, and as a result and in a second step, for issuers. Clarity and consistency are desirable. Nevertheless, MEDEF judged complex the addition in the sustainable investment definition in the SFDR of the mentions “sound management structures, employee relations, remuneration of staff and tax compliance”. It will be very complex to assess this conformity at the financial market participant level. That’s why MEDEF does not encourage the addition of those requirements in the RTS for article 8 products.

<ESA\_QUESTION\_ESG\_21>

* : What are your views on the preliminary proposals on “do not significantly harm” principle disclosures in line with the new empowerment under the taxonomy regulation, which can be found in Recital (33), Articles 16(2), 25, 34(3), 35(3), 38 and 45 in the draft RTS?

<ESA\_QUESTION\_ESG\_22>

The questions raised in the consultation paper regarding the articulation between the “do not significantly harm” (DNSH) principle and the identification of principal adverse impacts are important and MEDEF supports the ESA’s demand of a clarification of the relation between those two concepts by the Commission. MEDEF supports the idea of a general alignment between the topics considered to assess the principal adverse impacts of an investment on sustainability factors and to check that this investment does not significantly harm any of the social or environmental objectives (considered by SFDR or by Taxonomy). Nevertheless, MEDEF stresses the complexity of the DNSH assessment for companies, financial and non-financial. MEDEF does not consider that the practical difficulties of the RTS implementation have been sufficiently analysed. The time dedicated to the elaboration of the RTS and the consultation timeframe are very insufficient given the complexity and the novelty of the concepts, still recently modified by the Taxonomy regulation. For those reasons, the impact assessment should be deepened.

<ESA\_QUESTION\_ESG\_22>

* : Do you see merit in the ESAs defining widely used ESG investment strategies (such as best-in-class, best-in-universe, exclusions, etc.) and giving financial market participants an opportunity to disclose the use of such strategies, where relevant? If yes, how would you define such widely used strategies?

<ESA\_QUESTION\_ESG\_23>

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<ESA\_QUESTION\_ESG\_23>

* : Do you agree with the approach on the disclosure of financial products’ top investments in periodic disclosures as currently set out in Articles 39 and 46 of the draft RTS?

<ESA\_QUESTION\_ESG\_24>

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<ESA\_QUESTION\_ESG\_24>

* : For each of the following four elements, please indicate whether you believe it is better to include the item in the pre-contractual or the website disclosures for financial products? Please explain your reasoning.

an indication of any commitment of a minimum reduction rate of the investments (sometimes referred to as the "investable universe") considered prior to the application of the investment strategy - in the draft RTS below it is in the pre-contractual disclosure Articles 17(b) and 26(b);

a short description of the policy to assess good governance practices of the investee companies - in the draft RTS below it is in pre-contractual disclosure Articles 17(c) and 26(c);

a description of the limitations to (1) methodologies and (2) data sources and how such limitations do not affect the attainment of any environmental or social characteristics or sustainable investment objective of the financial product - in the draft RTS below it is in the website disclosure under Article 34(1)(k) and Article 35(1)(k); and

a reference to whether data sources are external or internal and in what proportions - not currently reflected in the draft RTS but could complement the pre-contractual disclosures under Article 17.

<ESA\_QUESTION\_ESG\_25>

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<ESA\_QUESTION\_ESG\_25>

* : Is it better to include a separate section on information on how the use of derivatives meets each of the environmental or social characteristics or sustainable investment objectives promoted by the financial product, as in the below draft RTS under Article 19 and article 28, or would it be better to integrate this section with the graphical and narrative explanation of the investment proportions under Article 15(2) and 24(2)?

<ESA\_QUESTION\_ESG\_26>

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<ESA\_QUESTION\_ESG\_26>

* : Do you have any views regarding the preliminary impact assessments? Can you provide more granular examples of costs associated with the policy options?

<ESA\_QUESTION\_ESG\_27>

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<ESA\_QUESTION\_ESG\_27>

1. Regulation (EU) 2018/1725 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39. [↑](#footnote-ref-2)