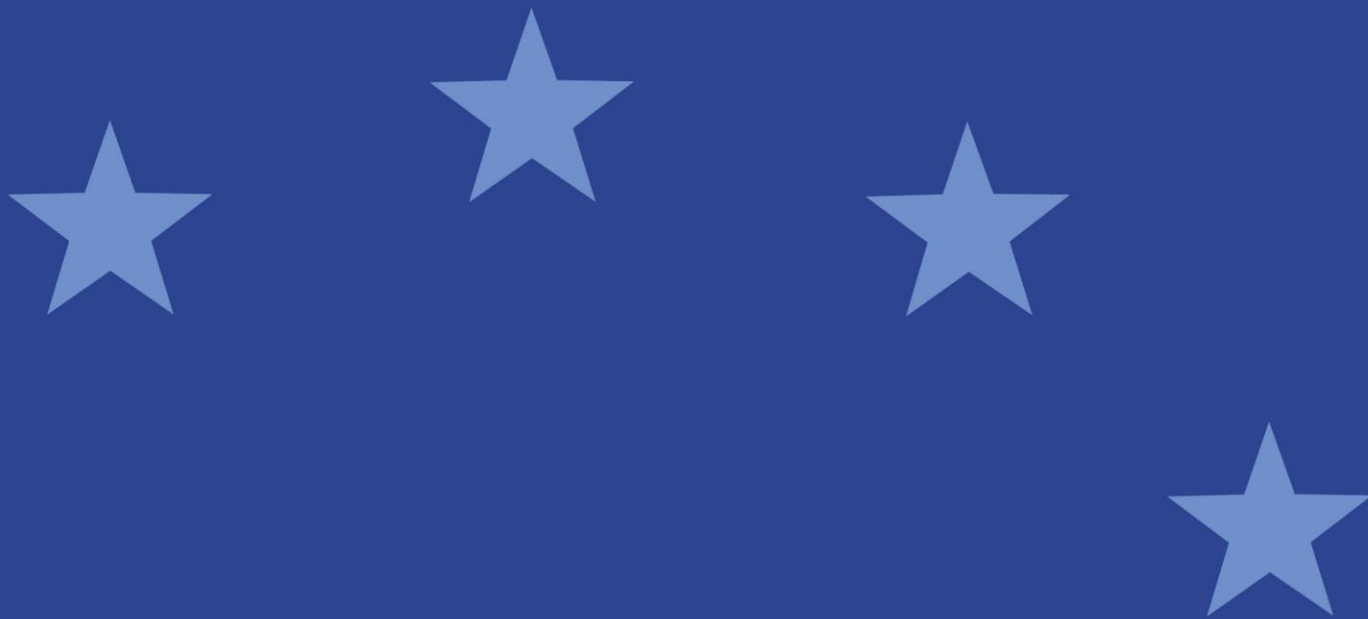# Reply form for the Consultation Paper on the Guidelines on reporting under EMIR

Responding to this paper

ESMA invites comments on all matters in this paper and in particular on the specific questions summarised in Section 9 in the Consultation Paper on the Guidelines on reporting under EMIR published on the ESMA website.

Instructions

Please note that, in order to facilitate the analysis of the large number of responses expected, you are requested to use this file to send your response to ESMA so as to allow us to process it properly. Therefore, ESMA will only be able to consider responses which follow the instructions described below:

- use this form and send your responses in Word format (pdf documents will not be considered except for annexes);

- do not remove the tags of type <ESMA_QUESTION_REPO_1> - i.e. the response to one question has to be framed by the 2 tags corresponding to the question; and

- if you do not have a response to a question, do not delete it and leave the text "TYPE YOUR TEXT HERE" between the tags.

- if you wish to provide comments on the validation rules and/or reconciliation tolerances for the specific reporting fields, please use for that purpose the additional response form in excel format.

Responses are most helpful:

- if they respond to the question stated;

- indicate the specific question to which the comment relates;

- contain a clear rationale; and

- describe any alternatives ESMA should consider.

Naming protocol

In order to facilitate the handling of stakeholders' responses please save your document using the following format:

ESMA_REPO_NAMEOFCOMPANY_NAMEOFDOCUMENT.

e.g. if the respondent were ESMA, the name of the reply form would be:

ESMA_REPO_ESMA_REPLYFORM or

ESMA_REPO_ANNEX1

Deadline

Responses must reach us by 30 September 2021.

All contributions should be submitted online at www.esma.europa.eu under the heading 'Your input - Consultations'.

Publication of responses

All contributions received will be published following the close of the consultation, unless you request otherwise. Please clearly and prominently indicate in your submission any part you do not wish to be publicly disclosed. 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 ESMA's rules on 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 ESMA's Board of Appeal and the European Ombudsman.

Data protection

Information on data protection can be found at www.esma.europa.eu under the headings 'Legal notice' and 'Data protection'.

General information about respondent

Name of the company / organisation	LSEG
Activity	Other Financial service providers
Are you representing an association?	☐
Country/Region	UK

Introduction

Please make your introductory comments below, if any:

<ESMA_COMMENT_REPO_1>
The London Stock Exchange Group ("LSEG") is a financial market infrastructure provider, headquartered in London, with significant operations in Europe, North America and Asia. Its diversified global business focuses on capital formation, intellectual property and risk and balance sheet management. LSEG operates an open access model, offering choice and partnership to customers across all of its businesses.

LSEG operates UnaVista, a rules-based data matching and validation service, available globally and designed to manage multiple workflows irrespective of market, geography and asset class. UnaVista's TRADEcho B.V. is an authorised and regulated EMIR Trade Repository ("TR") operating across all asset classes for both exchange traded derivatives and OTC derivatives. UnaVista's TRADEcho B.V. entity is also an authorised and regulated SFTR Trade Repository. Unavista is a Data Reporting Service Provider (DRSP), acting both as an Authorised Reporting Mechanism (ARM) and an Approved Publications Arrangement (APA).
LSEG operates multiple clearing houses. It has majority ownership of the multi-asset global CCP operator, LCH Group ("LCH"). LCH has two licensed CCP subsidiaries – LCH Ltd in the UK and LCH S.A. in France.

General remarks

- We welcome the opportunity to provide feedback on ESMA's draft guidelines on reporting under EMIR, and would **seek further clarity from ESMA on many areas of the guidelines**.

<ESMA_COMMENT_REPO_1>

- **Are there any other clarifications that should be provided with regards to the transition to reporting under the revised technical standards?**

<ESMA_QUESTION_REPO_1>
Firstly, in relation to paragraph 11, we would seek more detail around the practicalities of TRs reconciling data which spans both the pre-REFIT and REFIT RTS/ITS. Particularly for inter-TR reconciliation, we would like to get clarity in the event where pre-REFIT records are to be shared in XML, whether the TR will be required to map reported values (where possible) to the new standards, and if so, whether we can expect any guidance from ESMA to assist with this translation exercise. We believe that if this is required, the XML schema would need to be very flexible to accommodate data of such varying standards, noting that outstanding records which were reported prior to REFIT may already be in a variety of standards. We note that this same schema would likely have to be used for the client EOD Reconciliation Report and daily Reconciliation Summary reports, alongside other client and authority reports for the same reason of varying data quality.

Specifically relating to the various XML schemas, we would appreciate guidance as to which schema should be applied to which report, how far in advance of go live these are likely to be available, and how schema failures for data reported prior to REFIT should be handled by TRs. Also related to the schemas, clarity would be appreciated as to whether reports for all action types will require a full message.
In terms of capacity planning for the transition period, we would highlight that, at least theoretically, a majority of TR participants may opt to update outstanding reports within the same, short window of time. Such a spike in volumes could result in processing delays within the Trade Repository. We would appreciate if this possibility could be recognised by ESMA.

Furthermore, we would appreciate clarity around plans for all aspects of TR activities (incoming submissions, reconciliation and outgoing reports) at the end of the transition period, especially in the case where not all outstanding reports have been updated to the latest standards within the required timeframe.
We also note that the draft validation rules do not reflect the allowance stated in paragraph 13 for UTIs submitted prior to REFIT to be maintained, to allow for continuity of reporting. We would ask for clarity if the validation rules will be updated in this regard, and if so, if the validation will become conditional based on whether the Execution Timestamp (or another field) pre-dates REFIT go live in order for TRs to identify whether the derivative was "concluded before the reporting start date".

For reporting counterparties, we would also like to ask for clarity on matching of historical trades during the first 180 days and whether a relief would be granted.
<ESMA_QUESTION_REPO_1>

- Are there any additional aspects to be considered with regards to the eligibility to reporting of currency derivatives?

<ESMA_QUESTION_REPO_2>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_2>

- Are there any aspects to be clarified with regards to the rest of contract types of currency derivatives? Please provide the relevant examples.

<ESMA_QUESTION_REPO_3>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_3>

- Are there any additional aspects to be considered with regards to the eligibility for reporting of the derivatives on crypto-assets? Please provide the relevant examples.

<ESMA_QUESTION_REPO_4>
TYPE YOUR TEXT HERE

<ESMA_QUESTION_REPO_4>

- Are there any additional aspects to be considered with regards to the eligibility for reporting of Total Return Swaps, liquidity swaps, collateral swaps or any other uncertainty with regards to potential overlap between SFTR and EMIR? Please provide the relevant examples.

<ESMA_QUESTION_REPO_5>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_5>

- Are there any additional aspects to be considered with regards to the eligibility for reporting of complex derivative contracts? Please provide the relevant examples.

<ESMA_QUESTION_REPO_6>
We would recommend considering eligibility for reporting of options on futures, where the result is an FX spot, as FX spots are not under the direct scope of EMIR reporting. Hence we would appreciate clarification on whether spot as a result of a reportable option is reportable or not.
<ESMA_QUESTION_REPO_6>

- Are there other situations where a clarification is required whether a derivative should be reported?

<ESMA_QUESTION_REPO_7>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_7>

- Do you agree with the above understanding?

<ESMA_QUESTION_REPO_8>
Yes, we agree.
<ESMA_QUESTION_REPO_8>

- Are there other situations where a clarification is required whether a derivative involving a specific category of party should be reported?

<ESMA_QUESTION_REPO_9>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_9>

- Do you agree with the above understanding?

<ESMA_QUESTION_REPO_10>
Yes, we agree.
<ESMA_QUESTION_REPO_10>

- Are there other specific scenarios where a clarification is required?

<ESMA_QUESTION_REPO_11>
Paragraph 41 under section 5.2.3. in the consultation states that event of a clearing novation, CCPs should report with action type 'New and event type 'Step-in', which we believe contradicts with paragraph 49 that states reporting should be done with action type 'New' and event type 'Clearing'. Hence, we would request for clarification here for reporting counterparties.
<ESMA_QUESTION_REPO_11>

- Do you agree with the above understanding?

<ESMA_QUESTION_REPO_12>
Please refer to answer to Question 11.
<ESMA_QUESTION_REPO_12>

- Are there any other clarifications required with regards to the IGT exemption from reporting?

<ESMA_QUESTION_REPO_13>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_13>

- Are there any other clarifications required for the handling of derivatives between NFC- and FC?

<ESMA_QUESTION_REPO_14>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_14>

- Are the current illustrative examples providing clarity and / are there other examples that should be incorporated in the guidelines?

<ESMA_QUESTION_REPO_15>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_15>

- Are there any other clarifications required for the reporting obligation related to CCPs?

<ESMA_QUESTION_REPO_16>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_16>

- Are there any other clarifications required for the reporting obligation related to Investment Funds i.e. UCITS, AIF and IORP that, in accordance with national law, does not have legal personality?

<ESMA_QUESTION_REPO_17>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_17>

- Do you see any other challenges with the delegation of reporting which should be addressed?

<ESMA_QUESTION_REPO_18>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_18>

- Do you agree that only action types 'Margin Update' and 'Correct' should be used to report collateral?

<ESMA_QUESTION_REPO_19>
We agree with the use of action type 'Margin Update' and 'Correct' for collateral reporting. If TRs are required to verify that there is at least one outstanding trade or position with the same UTI or portfolio code when receiving a collateral update, whether the client submits the first collateral record for that code with action type 'New' or 'Margin Update' is irrelevant and we agree that 'Margin Update' could be used equally in both cases.
With regards collateral reports and action type 'Error', the statement that "erroring the derivatives would result automatically in erroring the collateral" suggests that TRs will be expected to report separate entries

on outgoing reports for the trade/position and collateral, similar to SFTR. We would request for clarity as to whether this interpretation is correct. Unlike EMIR, in SFTR it is valid to report collateral on its own, so we would expect reporting to reflect this divergence. Nevertheless, we agree that there is no requirement for action type 'Error' in relation to collateral updates.

We would, however, like to highlight the potential performance considerations that the TR must overcome to perform such a check for outstanding derivatives, and performing this validation may result in collateral reports initially being rejected if they are processed before the corresponding trades or positions, requiring clients to re-submit once the trades or positions have been accepted.

<ESMA_QUESTION_REPO_19>

- Are there any other clarifications required with regards to the use of the action types in general (other than specific aspects covered in the sections below)?

<ESMA_QUESTION_REPO_20>
We request clarity as to whether, and how, TRs are expected to determine which particular previous submission a report with action type 'Correction' relates to, both for margin and non-margin. If correcting a report which has already been superseded by further submissions, we would like clarification on whether TR participants are expected to re-submit those same further submissions after the correction or, whether they are able to effectively target the earlier submission specifically. If the latter approach is followed, we also appreciate guidance on which field(s) will be used to identify the record they are correcting and how the existence and uniqueness of that record can be ensured.

<ESMA_QUESTION_REPO_20>

- Do you agree with the sequences proposed? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_21>
While we agree with the proposed sequences, and find the diagram provided in paragraph 105 useful, we would appreciate additional detail, e.g. in the form of a matrix, including explicit clarification for each previously accepted action type, as to whether a subsequent action type is permitted or not, and whether there are any additional criteria to be considered when validating submissions to the TR, for example:

- whether the derivative is outstanding or not at the time of validating an incoming report;
- whether the derivative should be considered outstanding or not based on comparing the Event Date on the submission with previously submitted Event Dates, in the case where future and/or out-of-sequence Event Dates are permitted;
- whether the reported Action Type and Event Date history of previous submissions should be compared by the TR with the Action Type and Event Date for the current submission;
- whether the derivative has been non-outstanding for more than 30 days; and
- whether the acceptance of a record with a particular Action Type in the history of the derivative, even if not the most recently accepted record, can influence what subsequent Action Types are permitted. For example, if a "Position Component" was accepted, would a message with Action Type "Revive" then be permitted, and if so, are there then any limitations on what Action Type could follow the "Revive"?

We would appreciate clarity as to whether out of sequence reporting for Event Date will be permitted (i.e. approach B from paragraph 190) as soon as possible as this decision will have a fundamental impact on the architectural design of the trade repository, as well as impacting TR participants.

We also believe that 30 days should be a long enough period to detect an error. However, we believe that not having a 30 day deadline would give greater flexibility and longer term traceability and would suggest considering specifying a deadline.

<ESMA_QUESTION_REPO_21>

- Are there any specific scenarios in which the expected sequence of action types is unclear?

<ESMA_QUESTION_REPO_22>

There are various areas related to the use of 'Revive' where we would request further clarity, including:

- In the case where a derivative is non-outstanding and needs to be revived, and lifecycle events happened during the interim when the derivative was non-outstanding, would there be any restrictions on the ordering of how lifecycle events and 'Revive' messages are submitted? i.e. given that both lifecycle events and 'Revive' messages can only be submitted within 30 days of a derivative being outstanding, should the lifecycle events be reported prior to the 'Revive' or vice versa? Would TRs be expected to perform any sequencing checks in terms of the Event Date and related action type values? Would such requirements be outlined in the validation rules document?
- Given that a 'Revive' message is submitted with all details applicable as of the time of revival, would there be a requirement to submit a correction message if the only correction was to update the derivative to outstanding status or would such a message be redundant given that it can be inferred from the 'Revive' itself?
- Would the validation rules be updated to reflect that Revive messages are only permitted within 30 days of the submission of an 'Error' or 'Terminate' message, or 30 days after the scheduled maturity date has been reached?
- We would request for ESMA to confirm the date against which TRs are expected to validate whether a 'Revive' is permissible. Would '30 days after the submission of 'Error' or 'Terminate'' mean that TRs compare the date on which the 'Error' or 'Terminate' message was accepted with the date on which the 'Revive' is being processed? Or should the Reporting Timestamp or Event Date, or Early Termination Date in the case of a termination, of the previous submission be used for this validation?
- Furthermore, we would request some clarification on paragraph 109 on the sequences of action as to whether the attributes at time of revival be reported or the attributes as they have been reported e.g. if a value has changed and therefore needs to be revived we need clarification as to whether that new value would be reported on the revive message or not.
- In relation to paragraphs 110-111, we would like to confirm our understanding that the lifecycle events which happened between the original UTI being incorrectly terminated, cancelled or maturing, would be reported with an Event Date which pre-dates that on the 'New' report with the new UTI. If this understanding is correct, we would request that the validation rules are updated to reflect this use case. We also presume that the value reported in the Execution Timestamp field would persist from the original to the new UTI report, and, together with the Prior UTI value and other date fields, ESMA would be able to determine the cause for the out-of-sequence Event Dates. Nevertheless, we would highlight that requiring the generation of the new UTI, with lifecycle events reported against it which correspond to a previous derivative, may cause confusion and go against the idea of a UTI itself.

Similarly, we understand that historical 'Modification', 'Correction', 'Valuation' and 'Margin Update' messages received on non-outstanding UTIs should be permitted by the TR. We would request clarification from ESMA as to whether any additional checks need to be performed to verify whether these are historical submissions, and if so, which field(s) should be used to perform this check, and whether this detail will be included in the final validation rules document.

Furthermore, we would appreciate clarity as to whether a 'Correction' message is permissible following a 'Position Component' with the same UTI, and if so, whether there would be any restrictions on subsequent action types which are permitted given that a 'Position Component' was accepted in the history of the UTI. In addition, in relation to the case where a 'Position Component' has been accepted for a particular UTI, the diagram in paragraph 105 suggests that the UTI can then be revived, assuming this is submitted within the requisite 30 days. We would seek clarification on whether our understanding on this point is correct - and if so, what the impact is on the status of the UTI and any subsequent messages - or whether a 'Revive' message should not be permitted in such cases.

<ESMA_QUESTION_REPO_22>

- Are any further clarifications needed with regards to the action type - event type combinations or their applicability?

<ESMA_QUESTION_REPO_23>
We note that, according to Table 4, no event type is required when reporting action type 'Valuation' and would therefore ask clarification on whether TR participants would be required to link a 'Correction' message to a specific 'Valuation' message. We would also like to clarify if this is based on a matching Valuation Timestamp. In the case where multiple 'Valuation' messages had been incorrectly reported and corrections were required - would it be necessary for a submission with each of the applicable Valuation Timestamps to be submitted? And similarly, if a historic 'Valuation' message was identified as being incorrect, but subsequent 'Valuation' messages had been reported correctly, if a 'Correction' were submitted with the same Valuation Timestamp as the one historically inaccurate 'Valuation' message, would the accurate 'Valuation' reports, which had already been reported, need to be re-submitted to the TR in order to ensure the latest information is available and reported to ESMA?
While we appreciate that, as a TR, supporting targeted corrections and allowing TR participants to effectively specify select records to be updated may be technically more challenging, there is a benefit to the TR participant from this approach in that it minimises any reporting burden and may help to reduce inaccuracies or gaps in reporting.
Furthermore, we believe that the event types in paragraph 116 (b) 'Step-in' and (e) 'Clearing' need to be clarified to show exclusivity.
<ESMA_QUESTION_REPO_23>

- Is it clear when the linking IDs should be used, and in which reports they should be provided? Do you agree that the linking IDs should be reported only in the reports pertaining to a given lifecycle events and should not be included in all subsequent reports submitted for a given derivative? Are any further clarifications on linking IDs required?

<ESMA_QUESTION_REPO_24>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_24>

- Do you agree with the ESMA´s approach related to leaving the Event type blank in the case of multiple events impacting the same position on a given day? How often multiple events/single events impact the same position on a given day? Have you assessed the single versus multiple events impacting positions on a given day? Do you have systems or methods to distinguish between one or multiple events impacting the positions on a given day?

<ESMA_QUESTION_REPO_25>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_25>

- Do you agree with the proposed clarifications concerning population of certain fields at position level?

<ESMA_QUESTION_REPO_26>
In relation to Listed Rates, we would like to get clarity on the rationale of reporting the most recent execution timestamp of a trade within a position as the value would need to be calculated every time a trade is added to a position and would be burdensome for reporting counterparties. We would also like to ask for clarification on the last part of paragraph 145 which currently refers to the date rather than the timestamp.
<ESMA_QUESTION_REPO_26>

- Do you need any other clarification with regards to the position level reporting?

<ESMA_QUESTION_REPO_27>
With respect to paragraph 156, we would ask for clarification as to the definition of recall in this context. We would like confirmation of whether TRs would be expected to reconcile all outstanding derivatives and

those which have been non-outstanding for 30 days or less, at both trade and position level. In case there are changes expected to the list of fields which are to be included for either phase of reconciliation, we would request ESMA to confirm when the final set of fields will be defined and whether the relevant updates will be reflected in the draft RTS on procedures for ensuring data quality to align with the requirements. To allow time for implementation and thorough internal and client testing, we would recommend providing confirmation of the final set of fields for phase one at least nine months prior to go live.

Furthermore, in response to paragraph 157, we would seek clarity as to how ESMA may look to include information on the type of derivatives in the reconciliation feedback and when we will have detailed information of the final approach.

Also, from paragraph 158, we would suggest that ESMA confirms that "last event date" should be understood as the Event Date of the record which was most recently accepted by the TR or the last record which was submitted for reconciliation. If out of sequencing Event Dates are permitted, there may be a discrepancy between the two dates.

We would also like to highlight a potential error in table 6. We believe that Row 3 should be an EOD position report for transactions in rows 1 and 2, however these transactions have different maturity dates. Therefore, we believe that they should have different PUTIs.

<ESMA_QUESTION_REPO_27>

- Are there any other aspects that should be clarified with regards to reporting of on-venue derivatives?

<ESMA_QUESTION_REPO_28>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_28>

- Do you agree with the proposal for reporting conclusion of derivatives? Please detail the reasons for your response

<ESMA_QUESTION_REPO_29>
Yes, we agree.
<ESMA_QUESTION_REPO_29>

- Do you agree with the proposal for reporting modifications and corrections to derivatives? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_30>
While we agree with the proposal for reporting modifications and corrections to derivatives, we note that paragraph 178 appears to contradict the text in 185, with 178 stating that modifications which do not come into effect until a future date should not be reported until that future date, whereas 185 states that modifications are permitted for future Early Termination Dates. Hence, we would recommend that ESMA clarifies the requirements for modifications in this respect. A lack of clarity and inconsistency could impact reconciliation rates if counterparties report the corresponding modifications at different stages.

We would also like to clarify whether it is the expectation that TRs include modifications in reconciliation even while they refer to future dates or not. If not, we would like clarification on which field(s) should be considered for excluding them.
<ESMA_QUESTION_REPO_30>

- Do you agree with the specification of the 'Event date' for different action types?

<ESMA_QUESTION_REPO_31>
As per our response to question 30, we believe additional clarity is required in relation to the definition of Event Date for modifications in particular. In the case that, following the initial reporting of the UTI, an early though future dated termination is agreed, would the modification be reportable at the time of the agreement, with the agreement date as the Event Date value and the agreed, future date populated in the Early Termination Date field?

We believe that paragraph 189 suggests that TRs should accept out of sequence reports. If this is correct, and approach B is chosen (paragraphs 190 and 538) for the production of the TSR, we would request additional details as to the practicalities related to validating and reporting to authorities and others on these cases. For example, are any restrictions to be considered to the Event Date field when validating submissions to the TR other than that the value is greater than or equal to the Execution Timestamp? And when producing reports for authorities and TR participants, how should TRs report based on the ordering of Reporting Timestamp or Event Date?
<ESMA_QUESTION_REPO_31>

- Do you agree with the interpretation of the business events and the suggested action and event types?

<ESMA_QUESTION_REPO_32>
Yes, we agree.
<ESMA_QUESTION_REPO_32>

- Are there other business events that would require clarification? If so, please describe the nature of such events and explain how in your view they should be reported under EMIR (i.e. which action type and event type should be used).

<ESMA_QUESTION_REPO_33>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_33>

- Which approach do you prefer to determine the entity with the soonest reporting deadline? Please clarify the advantages and challenges related to each of the approaches.

<ESMA_QUESTION_REPO_34>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_34>

- Are there any other aspects that need to be clarified on UTI generation?

<ESMA_QUESTION_REPO_35>
We note that, in one use case, the TR is identified as being responsible for UTI generation.
While this in line with the CPMI-IOSCO Global Technical Guidance on Harmonisation of the UTI, the global guidance also states that the TR must be "able, willing and permitted to generate UTIs under the applicable rules" and furthermore states that "[o]therwise, one of the counterparties, based on sorting the identifiers of the counterparties with the characters of the identifier reversed and picking the counterparty that comes first in this sort sequence".
In light of the wording in the global guidance and also the statement in the UTI generation flowchart provided in the Consultation Paper of "a single TR…who can generate UTIs", we would request confirmation from ESMA that there is no explicit requirement for TRs to generate UTIs in this scenario, and that this is an optional service which the TR may or may not choose to provide.
<ESMA_QUESTION_REPO_35>

- Are there any other types of contracts for which the determination of the counterparty side needs more clarity?

<ESMA_QUESTION_REPO_36>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_36>

- Are there any other clarifications required with regard to the determination of the counterparty side (other than specific aspects covered in other sections)?

<ESMA_QUESTION_REPO_37>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_37>

- Are there any other clarifications requested with regards to the identification of counterparties?

<ESMA_QUESTION_REPO_38>
We would recommend that the validation rules allow Action Type "Revive" messages to be submitted irrespective of the registration status of the Counterparty 1 LEI in GLEIF. If the LEI had lapsed prior to the "Revive", this would allow for the LEI status to be updated without the 30 day limit for "Revive" messages being breached and a new UTI being required.
<ESMA_QUESTION_REPO_38>

- Are there any other aspects to clarify in the LEI update procedure when a counterparty undergoes a corporate action?

<ESMA_QUESTION_REPO_39>
Paragraph 227 states that, if given the appropriate lead time, the "LEI update should occur on the date of the corporate restructuring event". In order to not interfere with BAU processes, our preference would be to perform any such data updates on a non-working day in order to avoid any unnecessary risk. As such, we would request that the wording be amended from "the date of the corporate restructuring event" to "the first non-working day following the corporate restructuring event".
With respect to paragraphs 232 and 233, we would request clarity as to the rationale behind the TR performing the update required to inform both their clients and other TRs of the action taken. Would the expectation be on the other TRs to assess whether they hold corresponding data associated with the previous LEI and also update their data? And if so, would confirmation from the other TR represent sufficient authority to make such an adjustment or would any additional steps be required by the other TRs to verify the circumstances prior to any changes being committed? Similarly, we would request ESMA to consider whether the TR performing the original request has the authority and responsibility to divulge the corporate restructuring event to their other clients.
In response to paragraph 239, we would ask for further clarity as to who is responsible for identifying such trades which were errored or terminated by mistake. We believe this goes beyond the role of the TR as they would not necessarily have the means to identify such cases.
Furthermore, we would request for confirmation as to any expectations in the situation where a UTI is reported and becomes non-outstanding before an LEI update is performed, and therefore not applied to the UTI in question due to its status, and subsequently, within 30 days of the UTI becoming non-outstanding, a "Revive" message is submitted. Would it be the responsibility of the entity who submitted the original LEI update request to submit an additional request to the TR to perform a further LEI update on any affected UTIs, and report any subsequent lifecycle events with the latest LEI?
We would also request a more detailed definition of "machine readable", as referenced in paragraph 242, and any specific format or content requirements. For example, would providing the information via e-mail be considered compliant?
<ESMA_QUESTION_REPO_39>

- Are there any other aspects to be considered in the procedure to update from BIC to LEI?

<ESMA_QUESTION_REPO_40>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_40>

- Do you require any further clarification on the use of UPI, ISIN or CFI for derivatives?

<ESMA_QUESTION_REPO_41>
We would note that as the validation rules allow, in certain cases, for either the ISIN (field 2.7) or UPI (field 2.8) to be populated, both counterparties are not guaranteed to report the same information. As both fields are reconcilable from go live, any inconsistency would impact reconciliation results. We would recommend that further guidance in the validation rules be provided to help to ensure that the same field(s) is reported by both sides.
<ESMA_QUESTION_REPO_41>

- Do you require any further clarification with regards to the reporting of fields covered by the UPI reference data? Which fields in the future should /should not be sourced exclusively from the UPI reference data rather than being reported to the TRs?

<ESMA_QUESTION_REPO_42>
In terms of UPI reference data, we would request ESMA to confirm which EMIR fields this covers. We are keen to understand the validation checks that should be applied and, if the TR is expected to validate reported values against an external source. And if that is the case, would TRs be required to reject derivatives where any differences are found? Furthermore, we would request confirmation as to whether "at a later stage" (paragraph 249) relates to post go live.
<ESMA_QUESTION_REPO_42>

- Do you require any further clarification on the reporting of details of the underlying?

<ESMA_QUESTION_REPO_43>
We would like to ask for clarification for instances such as on Listed Rates index reporting where the underlying has an ISIN code. We believe that the type would be reported as 'X' as opposed to 'I' but we would appreciate confirmation in this regard.
<ESMA_QUESTION_REPO_43>

- Is any further guidance required in relation to the population of the notional field?

<ESMA_QUESTION_REPO_44>
We would like to ask for clarification that would confirm that Variable notional swaps reporting of the notional schedule should only be made once at the outset of the swap, with no further modifications needed.
<ESMA_QUESTION_REPO_44>

- Is any further guidance required in relation to the population of the Total notional quantity field? How should the Total notional quantity field be populated, distinguishing between ETD and OTC and asset class?

<ESMA_QUESTION_REPO_45>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_45>

- Are there other instances when we would expect to see a zero notional for Position Reports? Please provide examples. Are there any instances when we would expect to see a notional of zero for Trade Level Reports? Please provide examples.

<ESMA_QUESTION_REPO_46>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_46>

- Are there any other aspects in reporting of valuations that should be clarified?

<ESMA_QUESTION_REPO_47>

TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_47>

- Are there any other aspects in reporting of delta that should be clarified? Are there instrument types (in addition to swaption) where further guidance is needed with regards to the calculation of delta?

<ESMA_QUESTION_REPO_48>
We would like to note that our preference would be for the valuation fields, including delta, to only be re-portable with Action Types "VALU" and "CORR", rather than allowing these details to be reported with Action Type "NEWT" and "POSC" also. This segregation would significantly simplify the data flow into and out of the TR, particularly in the case of different RSEs submitting the trade details and valuation updates, and the subsequent access that each RSE should then have to view the submitted data.
<ESMA_QUESTION_REPO_48>

- Are there any further clarifications required with regards to the reporting of margins?

<ESMA_QUESTION_REPO_49>
We would highlight, in relation to special characters no longer being permitted in Collateral portfolio codes, that codes which are live on the lead up to go live would need to be re-issued for go live. While we acknowledge that this would result in a break in the history, we are keen to maintain, as per the current draft validations, that there is no distinction in the validation checks to permit special characters for codes reported pre-REFIT and those created post go live.
<ESMA_QUESTION_REPO_49>

- Are there any further clarifications required with regards to the reporting of the trading venue?

<ESMA_QUESTION_REPO_50>
We would welcome confirmation from ESMA as to whether this definition of ETD and OTC with respect to derivatives traded on UK, or other non-EU, regulated markets also applies to TR reports which include a breakdown by ETD/OTC, such as public reports and reconciliation statistics.
<ESMA_QUESTION_REPO_50>

- Are there any further clarifications required with regards to the reporting of clearing?

<ESMA_QUESTION_REPO_51>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_51>

- Are there any further clarifications required with regards to the reporting of confirmation timestamp and confirmation means?

<ESMA_QUESTION_REPO_52>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_52>

- Are there any further clarifications required with regards to the reporting of settlement currencies?

<ESMA_QUESTION_REPO_53>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_53>

- Are there any additional clarifications to be considered related to reporting of regular payments?

<ESMA_QUESTION_REPO_54>

We would highlight inconsistent messaging between paragraphs 332 and 392 around whether both the ISIN and the 4-letter code are required to be reported. Furthermore, the draft validation rules consider both fields optional and reconcilable from go live, which may result in reconciliation breaks as both counterparties are not explicitly required to report the same fields.
<ESMA_QUESTION_REPO_54>

- Are there any further clarifications needed with regards to the reporting of other payments?

<ESMA_QUESTION_REPO_55>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_55>

- How would you define effective day for novations and cash-settled commodity derivatives?

<ESMA_QUESTION_REPO_56>
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<ESMA_QUESTION_REPO_56>

- What are reporting scenarios with regards to dates and timestamps which you would like to be clarified in the guidelines? Are there any other aspects that need to be clarified with respect to dates and timestamp fields?

<ESMA_QUESTION_REPO_57>
With respect to counterparties using local calendars to determine the deadline for reporting, we would request clarity from ESMA that the expectation is for TRs to use the TARGET2 calendar when generating late reports for authorities. Having a requirement for TRs to maintain multiple calendars and accurately determine which calendar to apply to the individual record would make the process very burdensome and complex for TRs, potentially leading to inaccuracies. If this is indeed the expectation, we would request considerably more guidance as to how best implement this requirement. We would like to note our preference for TRs to use the TARGET2 calendar for reasons of consistency and accuracy.
Furthermore, we would request confirmation that in paragraph 347, the deadline would be the end of "the working day following that day".
With regards paragraph 348, we would appreciate if ESMA could elaborate on the case where the two counterparties are in different Member States, who could each have differing calendars. There also seems to be a contradiction between paragraphs 348 and 349, with 348 stating that if there is a difference in the calendars for the two counterparties, they should follow the calendar of their Member States, whereas 349 states that they should follow their local calendar and local timezone.
<ESMA_QUESTION_REPO_57>

- Are there any other aspects that need to be clarified with respect to the derivatives on crypto assets?

<ESMA_QUESTION_REPO_58>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_58>

- Do you consider any scenarios in which more clarification on the correct population of the fields related to package transaction is needed?

<ESMA_QUESTION_REPO_59>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_59>

- Which of the proposed alternatives with regard to significance assessment method do you prefer? Should ESMA consider different metrics and thresholds for assessing the scope of notifications sent to the NCAs? Please elaborate on the reasons for your response.

<ESMA_QUESTION_REPO_60>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_60>

- Do you prefer Option 1 or Option 2 with regard to the number of affected reports notified to the NCAs? Please elaborate on the reasons for your response.

<ESMA_QUESTION_REPO_61>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_61>

- Should significance of a reporting issue under Article 9(1)(c) of the draft ITS on reporting also be assessed against a quantitative threshold or the qualitative specification only is appropriate? In case threshold should be also applied, would you agree to use the same as under Alternative A or B? Is another metric or method more appropriate for these types of issues? Please elaborate on your response.

<ESMA_QUESTION_REPO_62>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_62>

- Are there any other aspects or scenarios that need to be clarified with respect to ensuring data quality by counterparties? Please elaborate on the reasons for your response.

<ESMA_QUESTION_REPO_63>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_63>

- Are there any other aspects in reporting of IRS that should be clarified?

<ESMA_QUESTION_REPO_64>
As per our response to question 54, we would reiterate the inconsistency between paragraphs 332 and 392 around whether both the ISIN and the 4-letter code are required to be reported. Furthermore, the draft validation rules consider both fields as optional and reconcilable from go live, which may result in reconciliation breaks as both counterparties are not explicitly required to report the same fields.
Furthermore, in the example provided in Table 29, we note that field 101 "Name of the Floating Rate of Leg 2" is populated, while fields 109 "Spread of Leg 2" and 110 "Spread currency of leg 2" are blank in the 'Example' column. According to the draft validation rules, we would expect both fields 109 and 110 to be populated given that a value was reported in field 101, and in fact, values do appear to have been provided in the XML message. We would request ESMA to confirm whether the 'Example' column should be populated in these cases and would the greying out of these cells indicate any particular logic.
<ESMA_QUESTION_REPO_64>

- Are there any other aspects in reporting of swaptions that should be clarified?

<ESMA_QUESTION_REPO_65>
As per our response to question 64, we also note in the examples provided in Tables 30 and 32 that field 101 "Name of the Floating Rate of Leg 2" is populated, while fields 109 "Spread of Leg 2" and 110 "Spread currency of leg 2" are again blank in the 'Example' column. According to the draft validation rules, we would expect both fields 109 and 110 to be populated given that a value was reported in field 101, and in fact, values do appear to have been provided in the XML message. Similarly, in Table 30 we further note

that no value is provided in the 'Example' column for field 138 "Strike price currency / currency pair" though we would expect a value to be reported based on the draft validation rules and a value does seem to have been included in the XML message. We would request ESMA to confirm whether the 'Example' column should be populated in these cases, or whether the grey cells denote anything in particular.

When comparing the example provided in Table 31 with the validation rules, we would also point out a discrepancy with the prior UTI (field 3) being provided with action type 'Terminate', which we understand is not permissible according to the draft validation rules. We would request ESMA to also confirm our understanding here.

<ESMA_QUESTION_REPO_65>

- Are there any other aspects in reporting of FRAs, cross-currency swaps, caps and floors or other IR derivatives that should be clarified?

<ESMA_QUESTION_REPO_66>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_66>

- In the case of FX swaps, what is the rate to be used for notional amount of leg 2? Should it be the forward exchange rate of the far leg as it is in the example provided? Or the spot exchange rate of the near leg?

<ESMA_QUESTION_REPO_67>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_67>

- In the case of FX swaps, considering that the 'Final contractual settlement date' is not a repeatable field, should the settlement date of the near leg be reported, for example using the other payments fields?

<ESMA_QUESTION_REPO_68>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_68>

- Do you have any questions with regarding to reporting of FX forwards?

<ESMA_QUESTION_REPO_69>
Regarding the examples provided, we would request ESMA to clarify the following points:
- According to the validation rules, field 19 "Settlement Currency 1" should be populated when field 47 "Delivery Type" is populated with "CASH". However, in the examples in Tables 33, 34, 35 & 37, "Delivery Type" is reported as "PHYS" but field 19 is still reported;
- In Table 37, the PTRR ID (field 2.5) is provided, alongside action type "NEWT" (field 2.151) and event type "TRAD" (field 2.152). However, according to the draft validation rules, the PTRR ID should only be provided for action types 'NEWT', when field 2.152 is populated with 'COMP'; and
- In Table 37, while a value is reported for field 2.65 "Notional Currency 2", the field 2.64 "Notional Amount of Leg 2" is blank in both the 'Example' column and XML message.

<ESMA_QUESTION_REPO_69>

- Do you have any questions with regarding to reporting of FX options?

<ESMA_QUESTION_REPO_70>
We would request ESMA to advise further on the below:
- In line with our observation under question 69, according to the validation rules, field 19 "Settlement Currency 1" should only be populated when field 47 "Delivery Type" is populated with

"CASH". However, in the examples in Table 38, "Delivery Type" is reported as "PHYS" but field 19 is still reported.

- Furthermore, from the validation rules, in the example provided in Table 38 for a new FX option, we expect field 2.133 "Option style" to be populated, but this is not included in the table.

<ESMA_QUESTION_REPO_70>

- What is the most appropriate way to report direction of the derivative and of the currencies involved with an objective to achieve successful reconciliation? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_71>
We would like to note that our preferred way is alternative 1, where agreement is reached by the counterparties. We do not believe that the responsibility should lie with the trade repositories to solve the issue.
<ESMA_QUESTION_REPO_71>

- Do you agree with the population of the fields for NDF as illustrated in the above example? Should other pairs of NDFs be considered? Please provide complete details and examples if possible.

<ESMA_QUESTION_REPO_72>
In relation to the example provided in Table 39, we note that, while a value is reported for field 2.65 "Notional Currency 2", the field 2.64 "Notional Amount of Leg 2" is not included in either the 'Example' column nor the XML message. Hence we would like further clarity from ESMA on this requirement.
<ESMA_QUESTION_REPO_72>

- Do you agree with the population of the fields for CFD as illustrated in the above example? Do you require any other clarifications?

<ESMA_QUESTION_REPO_73>
From the example provided in Table 40, we note that no value is reported for field 2.46 "Final Contractual Settlement Date". However, given the action type of "NEWT", when comparing with the draft validation rules, we would expect a value to be reported for field 2.46. Hence we would like further clarity from ESMA on this requirement.
<ESMA_QUESTION_REPO_73>

- Specifically, in the case of equity swaps, portfolio equity swaps and equity CFDs how should the notional and the price be reported in the case of corporate event and in particular "free" allocations?

<ESMA_QUESTION_REPO_74>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_74>

- Are there any other clarifications required with regards to the reporting of equity derivatives?

<ESMA_QUESTION_REPO_75>
We note that in the example provided in Table 41, neither field 2.17 "Custom Basket Code" nor field 2.18 "Identifier of the basket's constituents" are included even though field 2.13 Underlying Identification Type is reported, and so both fields 2.17 and 2.18 would be expected according to the draft validation rules. Similarly, we would also expect field 2.19 Settlement Currency 1 to be provided given that field 2.47 Delivery Type is populated with "CASH". We would seek confirmation from ESMA on our interpretation of the draft validation rules.
<ESMA_QUESTION_REPO_75>

- Are there any other clarifications required with regards to the reporting of credit derivatives?

<ESMA_QUESTION_REPO_76>

In the example provided in Table 42, given that field 2.41 "Venue of Execution" is reported with the value "XXXX", and field 2.31 "Cleared" is reported as "N", we would expect field 2.29 "Confirmed", and depending on the value of this field, presumably also field 2.28 "Confirmation Timestamp" to have been included in the example. We would seek clarification from ESMA on the expectation.
<ESMA_QUESTION_REPO_76>

- Are there any other aspects in reporting of commodity derivatives that should be clarified?

<ESMA_QUESTION_REPO_77>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_77>

- Do you agree with the population of the counterparty data fields? Please detail the reasons for your response and indicate the table to which your comments refer.

<ESMA_QUESTION_REPO_78>
We recommend ESMA to clarify whether the separate submissions referred to in paragraph 474 relates to the two sides of a derivative being reported separately or to each side being separated further so that Table 1 data is reported in advance of Tables 2 or 3. In case of the latter approach, we would like clarification on whether the XML schemas will support this requirement and whether this split across tables is also relevant for non-delegated reporting. We would also ask whether there any requirements from a TR perspective if Table 1 data is accepted for a UTI but either Table 2/3 data is then rejected or not submitted by the counterparty. From the draft validation rules, if Table 1 data is to be submitted in isolation, the TR may be unable to validate field 1.16 given that the permitted value is dependent on the value reported in field 31 from Table 2.
Furthermore, we would highlight that in Tables 45 and 46, for the cleared examples, field 1.11 ("Nature of Counterparty 2") is populated with "F". As per the draft validation rules, we would therefore expect field 1.20 ("Directly Linked to Commercial Activity of Treasury Financing") to be blank, but it is populated with "FALSE. We seek clarification from ESMA in this regard.
<ESMA_QUESTION_REPO_78>

- Is there any other use case related to the population of counterparty data which requires clarifications or examples? Please detail which one and indicate which aspect requires clarification.

<ESMA_QUESTION_REPO_79>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_79>

- Do you agree with the approach to reporting action types? Please detail the reasons for your response and include a reference to the specific table.

<ESMA_QUESTION_REPO_80>
Table 55 shows a report with action type "POSC" and field 2.4 "Subsequent Position UTI" populated. However, according to the validation rules, field 2.4 should only be populated when action type is "TERM" and event type reported "INCP". We would request ESMA to clarify whether it is also valid to populate field 2.4 in the case of action type reported as "POSC".
With regards paragraph 496, we request ESMA to clarify the validation checks that should be performed by a TR when receiving a margin update at the trade-level. Is the expectation that if there is no trade derivative outstanding for the same UTI that the margin update should be rejected? This could result in additional burden on the report submitting entity if a margin update is processed ahead of the corresponding trade level record and is then required to be resubmitted once the trade level record has been accepted by the TR. It could also prove resource intensive for the TR to perform this check for each margin update received in relation to trade level collateral.
We would also highlight that the text in paragraph 497 is identical to that in paragraph 496, and therefore out of sync with the section header (7.2.1.9) and the example provided in Table 62.

Also, in terms of corrections to margin updates, as described in paragraph 498, we request ESMA to elaborate as to whether - and if so, how - it will be possible to link the correction with the original, erroneous report; or whether the correction would effectively replace the most recent margin update received prior to that correction.
<ESMA_QUESTION_REPO_80>

- Are there any additional clarifications required with regard to the reporting of other payments?

<ESMA_QUESTION_REPO_81>
No further clarifications are required. However, based on the draft validation rules, we would expect the example outlined in Table 80 to include only field 1.17 or both fields 1.18 & 1.19 but all three are included. We seek clarification on whether our understanding of the draft validation rules is correct.
Furthermore, we seek confirmation on whether the value included in Table 80 for field 2.43 Expiration Date should actually refer to field 2.44 Expiration Date.
<ESMA_QUESTION_REPO_81>

- Do you agree with the approach to reporting margin data? Please detail the reasons for your response and include a reference to the specific table.

<ESMA_QUESTION_REPO_82>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_REPO_82>

- Which of the two approaches provide greater benefits for data reporting and data record-keeping? Please elaborate on the reasons for your response.

<ESMA_QUESTION_REPO_83>
We would like to note our preference for alternative B, despite it being the more complex of the two approaches for TRs to implement. We would not consider the technical challenge this approach would present for TRs to be overly burdensome when compared to the flexibility it offers for counterparties to correct historical errors or omissions in reporting, which in turn would lead to improved oversight for supervising authorities.
If approach B is selected, we would ask for clarity on the following points to ensure it is implemented as intended:
- If a TR receives multiple reports with the same Event Date, should the TR include only the details from the report with that Event Date and the latest Reporting Timestamp in the TSR?
- Paragraph 550 suggests that future values are not to be permitted in the Event Date field. However, there is no such restriction documented in the draft validation rules. If future dated Event Dates are to be permitted, should these be included or excluded from the TSR?

Furthermore, as per our response to question 84, if TRs will be required to routinely re-generate TSRs for historic dates, we believe this will represent a significant technical and operating burden for TRs and therefore request that this requirement not be introduced.
<ESMA_QUESTION_REPO_83>

- In case Approach B is followed, should the TRs update the TSR when counterparties have reported lately the details of derivatives? If so, do you agree with the time limit ten years for such an update? Please elaborate on the reasons for your response.

<ESMA_QUESTION_REPO_84>
We do not agree that, in the event that approach B is selected, TRs should be required to routinely provide updated TSRs for previous dates upon receipt of late reports from counterparties. We believe that this would introduce a considerable burden both technically and operationally.

Nevertheless, we agree that TRs should develop mechanisms and procedures to be able to produce updated TSRs for historic dates upon request from authorities and clients, with agreed SLAs as to the timeframe for producing such reports, depending on the date range requested. We would note that responsibility remains with the counterparties to report in a timely manner. The cases where late or out of order reporting is necessary or applied should be exceptional, and if occurring in significant numbers, will likely incur the requirement to report an incident to the NCA. All activity would also be included in the appropriate activity Reports. We therefore believe that re-producing historical TSRs upon request only will provide authorities and clients with sufficient support, without overloading them with data and overburdening the TR.

We would also request that ESMA considers delaying the start date for historic generation of TSRs until the end of the six month transition period, given that this will be a period of adjustment and non-standard activity while outstanding derivatives are being brought up to date with the latest standards.

Furthermore, whether producing TSRs for historic dates on a routine or ad hoc basis, we would request ESMA to confirm how TRs should handle the following scenarios:

- An early termination or error was received, followed by a revive on a subsequent date, should the TR effectively disregard the early termination as if it were never reported, and include the details as reported in the revive message when re-generating the TSR even for a date prior to when the Revive message was actually accepted?
- The reported maturity date was reached, and subsequently a revive message was accepted, should the TR, when re-generating TSRs relating to dates prior to the original maturity date, report the values as per the revive?
- If a UTI is reported and the TR subsequently receives a report with Action Type "CORR", if the TR is then required to re-generate TSRs for previous dates, should they match the correction to a particular report for the UTI based on Event Date and then populate the TSR with the values as per the correction message when reporting for that particular Event Date? And if so, how should a TR handle the scenario where there is no report with a corresponding Event Date or in fact multiple reports match based on UTI and Event Date?

<ESMA_QUESTION_REPO_84>

- Are there any fields that should be taken into account in a special way not allow change in values?

<ESMA_QUESTION_REPO_85>
From the consultation paper and draft guidelines, we understand that none of the following fields can be amended by the submission of a report with Action Type "CORR": Counterparty 1, Counterparty 2, UTI, Reporting Timestamp and Action Type. We would like to ask for confirmation on whether Event Date should also be included in this list and whether Event Date will be used to identify which previous submission a correction relates to. We would appreciate guidelines on whether the ability to modify any of the above field values when submitting any Action Type other than "NEWT" should be restricted when TRs are validating submissions - and if so, whether we can expect the validation rules to be updated to reflect any such restrictions.

While we appreciate that the UTI value alone may be sufficient for a derivative to be uniquely identified, we would highlight that in terms of TR processing, we must also consider both counterparty IDs in order to permit both sides of a derivative to be reported either to the same TR or for the purposes of inter-TR reconciliation.

Further related to uniqueness, we would ask how, in the exceptional circumstance where the value reported as Counterparty 1 is equal to the value for Counterparty 2 and both sides are reportable under EMIR, derivatives can be validated independently by a TR, to allow each side to report as new and any subsequent related lifecycle events? This issue exists currently under EMIR. We would request guidance from ESMA on how to handle such a scenario.
<ESMA_QUESTION_REPO_85>

- Is the guidance on treatment of action type "Revive" clear? What additional aspects should be considered? Please detail the reason for our answer.

<ESMA_QUESTION_REPO_86>
With respect to the scenarios covered in Table 83, our understanding of "Revive" reports and the TSR leads us to query the impact stated in the following entries in the table:

- Lines 5, 12 & 13: The validation rules for fields 2.45 (Expiration Date) and 2.44 (Early Termination Date) state that if both are populated, "the value of this field (Early Termination Date) shall be less than or equal to the value of the field 2.44.". Given that this is in line with these scenarios, we would like confirmation as to why the "Revive" should be rejected. Is there an expectation that reports with an Early Termination Date in the future should be rejected? And if so, will the validation rules be updated to reflect this requirement?
- Line 6: states that there is no impact to the TSR in this case. However we would welcome clarification as to how that could be determined based purely on the information in the table given that it is unclear whether the Early Termination Date is before or after the Reporting Date.
- Line 15: We welcome ESMA to confirm whether the expectation here is that the TR rejects the "Revive" report due to a future Event Date being submitted - and if so, whether this will be documented in the validation rules.

<ESMA_QUESTION_REPO_86>

- Should the TR remove after 30 calendar days the other side of a derivative for which only one counterparty has reported "Error" and no action type "Revive"? Please detail the reasons for your answer.

<ESMA_QUESTION_REPO_87>
We do not believe that a TR should remove the other side of a derivative from the TSR in this scenario given that the TR cannot assume that the Error report was correctly submitted by the one counterparty. The discrepancy in submissions between the two counterparties for the same derivative will be flagged via the reconciliation status.
<ESMA_QUESTION_REPO_87>

- Which alternative relating to the provision of the notional schedules and other payments data would be more beneficial? Which of the two alternatives has higher costs? Please detail the reasons for your answer.

<ESMA_QUESTION_REPO_88>
We have no strong preference for either option. While alternative A may require more development work from a TR perspective, this should not represent a considerable challenge and would have the operational benefit of reducing the size of TSRs. We would ask for clarification, if approach A is selected, as to whether the TR should include the details as of the Reporting Date of the TSR or the day prior to the Reporting Date, conscious that either may differ from the Event Date.
<ESMA_QUESTION_REPO_88>

- Do you agree with the described process of update of the TSR? What other aspects should be taken into account? Please elaborate on the reasons for your answer.

<ESMA_QUESTION_REPO_89>
In general, we agree with the process. However, we would ask for clarity in relation to paragraph 566 which suggests that TRs should proactively review their population of outstanding derivatives and identify cases where the reporting counterparty has ceased to exist, without being acquired and merged. Paragraph 565 suggests that TRs are only expected to take action when they have been informed of such a scenario. We would request ESMA to advise whether there is a requirement for TRs to be more proactive during the transition period in this regard - and if so, whether any guidance will be provided as to how we might identify and confirm such cases. This could prove to be a time and resource intensive process at a stage when TRs will be heavily focused on supporting active clients and authorities with the application of the new reporting requirements.
<ESMA_QUESTION_REPO_89>

- Should only the Field 1.14 be used for determining the eligibility of derivative for reconciliation? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_90>
We have no strong preference as to whether only field 1.14 is used for determining eligibility for reconciliation. Given condition a) in paragraph 567 states that eligibility based on the value in Counterparty 1 may only be determined based on GLEIF data, for consistency, the same approach could be taken when considering the value reported for Counterparty 2 as well.
<ESMA_QUESTION_REPO_90>

- Is there any additional aspect that should be clarified with regards to the derivatives subject to reconciliation? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_91>
We would request clarification, in the event that approach B is followed (paragraph 190) and out of sequence reporting is permitted based on the Event Date, as to whether TRs should submit reports for reconciliation which have been received with an earlier Event Date but later Reporting Timestamp compared to the latest reconciled report for the same derivative. In such a case, would inclusion in reconciliation need to be driven by Event Date and / or Reporting Timestamp?
We welcome clarifications on the field(s) that should be used to determine whether or not a derivative has been outstanding in last 30 calendar days – i.e. would this be the earliest date reported in either the Expiration Date field, Early Termination Date field, or, in the case where an error report was submitted, should we consider the Event Date or Reporting Timestamp value?
<ESMA_QUESTION_REPO_91>

- From reconciliation perspective do you agree with the proposed differentiated approach for the latest state of derivatives subject to reconciliation depending on the level at which they are reported? What are the costs of having such a differentiation? Should the timeline for reconciliation of derivatives at trade level be aligned with the one for positions? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_92>
We do not agree that reconciliation of positions should follow a different process to that of trades as this would add complexity for TRs to implement and all involved operationally in interpreting the results. Nevertheless, we understand the benefits of delaying reconciliation to account for when one party reports on T and their counterparty on T+1. As such, we would support a process whereby both trades and positions are reconciled on T+2. Though we note that the draft RTS on data quality refers to TRs performing reconciliation using "the latest reported value" (Article 3), which would not appear to align with reconciliation on T+2. Nevertheless, we believe that having a specific requirement to reconcile both trades and positions on T+2, rather than the suggestion in paragraph 571 that TRs vary their process depending on whether they have "a reasonable degree of certainty that both sides of the derivative are reported in a consistent way", will lead to more reliable and consistent results.
We understand that this may lead to divergence of the information reported in the TSR versus the reconciliation reports. However, we believe the benefits would outweigh the costs as at least the divergence would be the same for both trades and positions and all users of the reports would be mindful of the different views provided in the TSR and reconciliation reports.
We would request clarity from ESMA on their statement in paragraph 572 that "[t]his clarification is not relevant for derivatives that are not outstanding". Is the intention that positions are no longer reconciled once they are non-outstanding, despite the 30-day requirement mentioned in paragraph 567? We appreciate any confirmation as to whether there is any corresponding requirement for non-outstanding trades or only positions, if this is the case.
Similar to our response to question 91, we would request clarification as to whether "latest values" should be determined by Event Date and / or Reporting Timestamp.
We would also request confirmation as to which calendar should be applied when considering "working days". Our preference would be for the TARGET 2 calendar.

<ESMA_QUESTION_REPO_92>

- From data use perspective, should the information in the TSR and in the reconciliation report be different? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_93>
We believe that the reports have different uses and as such there should be no issue in the data sets contained varying between the two, as long as users are aware and mindful of the difference from the outset.
<ESMA_QUESTION_REPO_93>

- Which alternative do you prefer? What are the costs for your organisation of each alternative? Please elaborate on the reasons for your response.

<ESMA_QUESTION_REPO_94>
From a TR perspective, the solution in alternative B is preferred, which would help avoid unnecessary complexity while providing full transparency to authorities and clients. Alternative B avoids TRs risking incorrectly excluding derivatives which should have been captured in the reconciliation process.
<ESMA_QUESTION_REPO_94>

- Which alternative do you prefer? What are the costs for your organisation of each alternative? Please elaborate on the reasons for your response.

<ESMA_QUESTION_REPO_95>
In line with our response to question 71, our preference is for alternative A as, not only as the more straight forward approach for TRs to implement, but also for the consistency and transparency offered in terms of comparing the reported data with the reconciliation results viewed by authorities.
<ESMA_QUESTION_REPO_95>

- Do you agree with the proposed approach for reconciliation of notional schedules? Please elaborate on the reasons for your response.

<ESMA_QUESTION_REPO_96>
We generally agree with the approach outlined in paragraph 584, however, we would reiterate our query posed in response to question 88 around which date field should be used when determining the notional or other payment data to be reconciled, assuming approach A is selected from section 8.1.6.
<ESMA_QUESTION_REPO_96>

- Do you agree with the proposed approach for reconciliation of venues and the clarification in case of SIs? Please elaborate on the reasons for your response.

<ESMA_QUESTION_REPO_97>
We agree with the approach. To assist with the implementation, we would seek clarification on whether TRs should identify such cases where both counterparty IDs are listed on the MiFID/UCITS/AIFMD/TICOU register on ESMA's website, filtering where Entity = 'Systematic Internaliser'. Are any other checks required in terms of the status of the entity on this register at a particular date?
<ESMA_QUESTION_REPO_97>

- What other aspects need to be considered with regards to the aforementioned approach to rejection feedback? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_98>
We would ask for clarification on the following operational aspects for implementing rejection feedback:

- When it is specified that EOD rejection feedback reports are to be provided by 6am UTC the following "working day", could ESMA please confirm whether the definition of "working day" is in line with the TARGET 2 calendar?
- Will the ISO 20022 XSDs for immediate and EOD rejection feedback not include report level fields such as Action Type, Event Date or Reporting Timestamp so that counterparties, RSEs or ERRs may more easily identify the affected report(s)?
- Will the ISO 20022 XSDs for immediate and EOD rejection feedback allow for blank UTI values in the case where a report may have been rejected for this field, for example if it included special characters? And likewise if any other report level fields are to be included to identify rejections, will blank values be permitted under the XSD?
  We would also request information on when we could expect to see the error codes and error descriptions to be published by ESMA.

<ESMA_QUESTION_REPO_98>

- Do you agree with the approach outlined above with regards to the missing valuations report? Are there any other aspects that need to be considered? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_99>
We agree with the approach outlined in this section, however, we would request clarity on the following points:
- should this, and other EOD feedback reports, be produced on working days according to the TARGET 2 calendar?
- should the count of outstanding derivatives be calculated for Counterparty 1?
- In the case of NFCs below the threshold, where no valuation reports are expected, should TRs not produce this report for those counterparties, or alternatively produce the report referencing the relevant derivatives regardless?
  Is there any requirement for TRs to re-produce this report for previous days, taking into account submissions to the TR which may have been accepted in the interim with a Valuation Timestamp value which influences the results? We would like to note that our preference would be for having no such report given the purpose of the warning feedback as an indicator of potential issues at a specific moment in time, and the considerable additional burden this could introduce for TRs.

<ESMA_QUESTION_REPO_99>

- Do you agree with the approach outlined above with regards to the missing margin information report? Are there any other aspects that need to be considered? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_100>
We agree with the approach outlined in this section, however, we would request clarity on the following points:
- should this, and other EOD feedback reports, be produced on working days according to the TARGET 2 calendar?
- should the count of outstanding derivatives be calculated for Counterparty 1?
- should the action type mentioned in paragraph 615, point a., refer to "NEWT" or "MARU"?
- are outstanding derivatives where no margin has been reported at either the UTI or portfolio level in scope for this report, or where margin was reported at either level but has not been updated within the 14 calendar days prior to the reporting date for the feedback?
- Assuming portfolio level updates are in scope, where no update has been received in the previous 14 days, should TRs include an entry in the report for each individual derivative reported with the same portfolio code?
- In the case of NFCs below the threshold, where no collateral reports are expected, should TRs not produce this report for those counterparties, or alternatively produce the report referencing the relevant derivatives regardless?

- Is there any requirement for TRs to re-produce this report for previous days, taking into account reports which may have been accepted in the interim with a Collateral Timestamp value which influences the results? We would like to highlight that our preference would be for no such report given the purpose of the warning feedback as an indicator of potential issues at a specific moment in time, and the considerable additional burden this could introduce for TRs.

<ESMA_QUESTION_REPO_100>

- Do you agree with the approach outlined above with regards to the detection of abnormal values and the corresponding end-of-day report? Are there any other aspects that need to be considered? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_101>
We agree with the approach outlined in this section, however, we would request clarity on the following points:
- should this, and other EOD feedback reports, be produced on working days according to the TARGET 2 calendar?
- could ESMA please confirm that the statement in paragraph 616 that the report should consider "derivatives that were received on the day of generation of the report", be understood as derivatives which were accepted by the TR on the working day prior to the report being generated by 6am UTC? And should derivatives that are accepted by a TR on non-working days be considered for the report generated on the next working day (e.g. Monday for weekend submissions)?
- should the number of derivatives with the indicated action types be calculated for Counterparty 1?
- Is our assumption correct that a derivative is eligible for the report if the reported value in at least one of the fields listed in paragraph 617 is breached? Or do the values in all eight fields have to be above the relevant threshold for the derivative to be eligible?
- with respect to the list of action types to be included, there seems to be a discrepancy between the statements that only outstanding derivatives should be considered and position component being included in the action type list. We would request for ESMA to elaborate in this regard.
- similarly, if a "NEWT", "MODI" or "CORR" was received on the day prior to the report being generated, which meant that the derivative was non-outstanding at that date, should it still be considered for the report?
- Is there an indication as to when the threshold values will be available for TRs from the authorities, as specified in the Final Report? And will we receive two values per asset class: one for notional amount and a second for notional quantity?
    is there any requirement for TRs to re-produce this report for previous days, taking into account reports which may have been accepted in the interim which influence the results? If so, and the threshold values have changed over time, is there a requirement for TRs to apply the threshold that was current when the report was originally produced? Our strong preference would be for no such report given the purpose of the warning feedback as an indicator of potential issues at a specific moment in time, and the considerable additional burden this could introduce for TRs.
Contrary to the Final Report, the Consultation Paper suggests that the TRs will be required to set the thresholds, and that no guidance should be expected from ESMA; "does not intend to prescribe any specific generally applied outlier detection method" (paragraph 620). Given this, we would suggest that the implementation of this report be delayed from the start date of the reporting obligation to allow the industry to adjust to the major changes and for a period of review so that TRs may set thresholds based on strong empirical data that result in genuine anomalies being detected.
<ESMA_QUESTION_REPO_101>

- Is there any additional aspect related to the provision of reconciliation feedback by TRs that should be clarified? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_102>
In relation to paragraph 625, we seek ESMA's confirmation on whether the logic to be applied may change following a decision based on the feedback to question 90 in this consultation paper, or whether this logic should be applied regardless of that outcome.

We would also like clarification on how TRs should determine the correct value for "Revived" and "Further Modification" in the reconciliation feedback messages. For example, should "Revived" be reported as "TRUE" if a report with action type "REVI" has ever been reported for the derivative or is only the recent history of the derivative considered? And under what circumstances would a TR report "Further Modifications" as "TRUE" or "FALSE"?

With respect to Table 91, there appear to be various inconsistencies across the field names, definitions and details to be reported. We notice that Reporting Timestamp is also not included in the XML message. Hence, we would request ESMA to confirm the relevant details for the example in Table 91.

<ESMA_QUESTION_REPO_102>

- Is there any additional aspect related to the rejection of reports with action type "Revive" by TRs that should be clarified? Please detail the reasons for your response.

<ESMA_QUESTION_REPO_103>
We would appreciate clarification on the following points:
- whether the date portion of the Reporting Timestamp on the "Error" report should be used for the purposes of determining whether the 30 day limit has been breached,
- whether reports with action type "Revive" should likewise be rejected when they relate to a derivate which was terminated or matured more than 30 calendar days previously,
  whether these restrictions will be explicitly stated in the validation rules spreadsheet, if applicable
<ESMA_QUESTION_REPO_103>

- Regarding the requirements in the RTS on registration, as amended, and the RTS on data access, as amended, do you need any further specifications and/or clarification?

<ESMA_QUESTION_REPO_104>
With respect the statement in paragraph 636 that TRs should include "all individual trade details, irrespective of whether the report for a derivative contract has been accepted or rejected", we would highlight that in the case of rejections, this is not always possible if the rejection was due to a schema issue. As a TR, we would endeavour to report all relevant details, when technically possible.

The requirement in paragraph 639 for TRs to provide access to transaction data for Union competent authorities where it is the Relevant Competent Authority (RCA) according to FIRDs does not appear to have been expressed with reference to RCAs and FIRDs in the latest RTS on data access. We welcome ESMA to confirm whether this is a new requirement under REFIT.

Furthermore, paragraph 641 includes reference to"a list with principles. We would seek confirmation that this reference data would be published to TRs, along with the other reference data items listed in paragraph 641 and covered in TR Q&A37. We would also like to confirm when this reference data will be made available, the expected format as well as how regularly and the method that will be used for updates.
<ESMA_QUESTION_REPO_104>

- Are there any specific aspects related to the access to data based on UPI that need to be clarified? Please detail which ones.

<ESMA_QUESTION_REPO_105>
We would request clarification, as soon as available, as to any validation checks TRs will be expected to apply to the UPI, other than it being a 12 alphanumerical code, and related fields, as well as any specific logic that should be borne in mind during the validation of the impacted fields.
<ESMA_QUESTION_REPO_105>

- What access rights would you like to be clarified and/or which access scenarios examples would you consider to be inserted in the guidelines? Please list them all, if appropriate.

<ESMA_QUESTION_REPO_106>

We would request clarification relating to the methods, format and SLAs that TRs should apply when considering access to derivatives that were reported prior to the go live date of EMIR REFIT, both during the transition period and beyond.
<ESMA_QUESTION_REPO_106>

- Are there any aspects, or procedures you would like to be clarified? If yes, please describe in detail.

<ESMA_QUESTION_REPO_107>
We would request clarification in relation to paragraph 652, in line with our responses to questions 99-101, as to whether there is a requirement for TRs to re-produce warning feedback reports for previous dates or whether this requirement only extend to the TSR.
<ESMA_QUESTION_REPO_107>

- Is there any other information that should be provided by the entity listed in Article 81(3) EMIR to facilitate the swift and timely establishment of access to data?

<ESMA_QUESTION_REPO_108>
Regarding the regulator access template, we would recommend that both the 'Mandates' and 'Type of Entity' parts of Table 92 are removed given that each are also requested in Table 94. Requesting the same information twice may result in discrepancies. In addition, with respect Table 93, we would request that the TRACE key and code details are added.
<ESMA_QUESTION_REPO_108>