**Reply** **form**

Consultation Paper on a draft RTS on the information on clearing fees and associated costs under Article 7c(4) of EMIR

Responding to this paper

ESMA invites comments on all matters in the Consultation Paper and in particular on the specific questions in this reply form. Comments 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.

ESMA will consider all comments received by **8 September 2025.**

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:

* Insert your responses to the questions in the Consultation Paper in this reply form.
* Please do not remove tags of the type <ESMA\_QUESTION\_COST\_1>. Your response to each question has to be framed by the two tags corresponding to the question.
* 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.
* When you have drafted your responses, save the reply form according to the following convention: ESMA\_COST\_nameofrespondent.

For example, for a respondent named ABCD, the reply form would be saved with the following name: ESMA\_COST\_ABCD.

* Upload the Word reply form containing your responses to ESMA’s website (**pdf documents will not be considered except for annexes**). All contributions should be submitted online at [www.esma.europa.eu](http://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](http://www.esma.europa.eu) under the headings ‘Legal notice’ and heading ‘[Data protection](https://www.esma.europa.eu/about-esma/data-protection)’..

# General information about respondent

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

# Questions

1. Is there any aspect of the scope of this requirement that ESMA should consider detailing further?

<ESMA\_QUESTION\_COST\_1>

EuropeanIssuers support ESMA’s initiative to **strengthen disclosure obligations and enhance comparability of clearing fees**. Opaque and inconsistent fee practices might disadvantage end-users and undermine competition between CCPs and clearing members. Greater transparency - particularly in risk-based pricing, collateral management, and Net Omnibus Indirect Account (NOIA), Gross Omnibus Indirect Account (GOIA) and Individual Segregated Account (ISA) structures - is important to allow corporates to manage clearing costs predictably and fairly.

We, therefore, believe that the RTS should go further in mandating **standardisation, granularity, and transparency** across all clearing service providers (CSPs).

Regarding Question 1, we support the broad scope envisaged by ESMA, covering both EU CCPs and recognised third-country CCPs. For corporates, the ability to compare fee structures across all CCPs and clearing members is essential to make informed decisions about where and how to clear.

* **Bilateral disclosure:** We recognize that disclosures may remain bilateral (not public), but they must be **comprehensive, timely, and comparable** across providers. Signing a non-disclosure agreement (NDA) to access CSP fee information appears to be an excessive and burdensome requirement.
* **Equal application to prospective and existing clients:** Disclosure obligations must apply during on-boarding and request-for-proposal stages, when corporates most need transparent information.
* **Consistency across the chain:** CSPs should not be allowed to claim limitations in CCP disclosures as a reason to withhold information from clients. CCPs themselves should be mandated to provide standardised fee data to CSPs for onward disclosure.

<ESMA\_QUESTION\_COST\_1>

1. Do you agree with the typology of fees identified by ESMA? If not, what fees would be more suitable?

<ESMA\_QUESTION\_COST\_2>

We agree with ESMA’s proposed typology (onboarding, fixed, transaction, other fees) but believe it needs to go **further in standardisation and granularity**. Fee structures might be opaque, with hidden surcharges and unclear methodologies. We recommend:

* **Standardised Fee Templates** across all CSPs and CCPs, including:
  + Membership fees
  + Transaction-based charges
  + Position-keeping and maintenance fees
  + Collateral management fees (including transformation and funding costs)
  + Risk-related surcharges
  + Optional services fees
* **Granular Breakdown:** Each fee must be clearly allocated to a category and explained. For example, collateral management costs should disclose haircuts, transformation charges, and funding costs separately.
* **Transparency in Risk-Based Pricing:** Risk add-ons must not remain “black boxes.” CCPs and CSPs should disclose the **criteria, metrics, and calculation methodology** behind risk-based fees. Corporates must be able to understand why a surcharge applies and be able to simulate scenarios (e.g. position size, credit rating changes, volatility).

Such transparency is critical for NFCs to forecast and budget clearing costs reliably.

<ESMA\_QUESTION\_COST\_2>

1. Do you agree with ESMA’s proposal in relation to pass-on costs?

<ESMA\_QUESTION\_COST\_3>

We agree that CSPs should distinguish clearly between:

1. **CCP charges passed through** to the client; and
2. **CSP’s own fees and costs** for providing clearing services.

But further refinements are needed:

* **Full transparency of pass-throughs:** CCP fees should be **itemised without mark-ups** and shown in original form so clients can verify that they are genuine pass-ons.
* **Separation of CSP overheads:** IT, staff, and operational costs of CSPs should be disclosed transparently as part of their own fee structure — not hidden as “pass-ons.”
* **NOIA/GOIA/ISA structures:** Where Net/Gross Omnibus Indirect Account or Individual Segregated Account structures are used, CSPs should disclose **how portfolio effects, default risk sharing, and cost benefits are calculated** — since corporates currently cannot assess whether discounts or surcharges linked to NOIA/GOIA/ISA offer fair value. Ideally, omnibus structures should be offered at **CCP level**, not only at CSP level, to maximise transparency, cost-efficiency, and risk-sharing.

Such distinctions are essential so corporates can judge whether they are being charged fairly for services received.

<ESMA\_QUESTION\_COST\_3>

1. Do you agree with the proposed level of disaggregation?

<ESMA\_QUESTION\_COST\_4>

Yes - proposed level of disaggregation seems appropriate. Article 7c should ensure that corporates can understand **the full cost of clearing per CCP and per service line**.

* **Per CCP, per account type:** Fees must be broken down not only per CCP but also **by account type (ISA, GOSA, NOSA)**, since these drive materially different costs.
* **Transparent Collateral Management Practices and Optional Services:** Collateral management fees are a significant component of clearing costs, yet the practices surrounding these fees are frequently opaque. To enhance transparency, we recommend:
* **Clear Collateral Fee Policies**: CCPs should disclose the basis for collateral fees, including costs for collateral transformation, haircuts, and funding.
* **Real-Time Reporting**: Implement real-time reporting mechanisms for collateral usage, ensuring clients have immediate visibility into associated costs.
* **Transparency on Optional Services**: Explicitly list optional services, their costs, and the value they add to clients’ operations.
* **Portfolio benefits:** Disclosures should include how **netting/ pooling benefits** are applied and which risks are born by indirect clients, such as default risk of fellow clients or of CSP in Omnibus Accounts.
* **Comparability:** CSPs should be required to use **uniform disclosure templates**, ensuring corporates can compare across providers without needing bespoke analysis.

Without such granularity, corporates will remain unable to compare clearing options meaningfully and may face hidden or unexpected costs.

<ESMA\_QUESTION\_COST\_4>