

# Reply form

**Review of RTS 22 on transaction data reporting under Art. 26 and  
RTS 24 on order book data to be maintained under Art. 25 of MiFIR**

## 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 **17 January 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\_RTS2224\_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\_RTS2224\_nameofrespondent.

For example, for a respondent named ABCD, the reply form would be saved with the following name: ESMA\_RTS2224\_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](#)'..

## 1. General information about respondent

Name of the company / organisation	Deutsche Boerse Group (DBG)
Activity	Regulated markets/Exchanges/Trading Systems
Are you representing an association?	<input type="checkbox"/>
Country/Region	Germany

## 2. Questions

**Q1 Are any other adjustments needed to enable comprehensive and accurate reporting of transactions which will enter into scope of the revised Article 26(2)?**

<ESMA\_QUESTION\_RTS2224\_01>  
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 <ESMA\_QUESTION\_RTS2224\_01>

**Q2 Does the existing divergence in the implementation of the MRMTL concept under Art. 4 and Art. 26 of MiFIR results in any practical challenges for the market participants? If so, please explain the nature of these challenges and provide examples.**

<ESMA\_QUESTION\_RTS2224\_02>  
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 <ESMA\_QUESTION\_RTS2224\_02>

**Q3 To what extent the rules applied for the determination of the RCA and RCA\_MIC are relevant for your operations? Do you agree with the potential alignment of the RCA rules with the RCA\_MIC rules for equities? Please provide details in your answer.**

<ESMA\_QUESTION\_RTS2224\_03>

DBG is unsure what ESMA proposes to modify as per paragraphs 28 to 33 of the Consultation Paper. ESMA indeed suggests aligning fully the definition of the most relevant market in terms of liquidity (MRMTL) between RTS 1 and RTS 22 for equities which would guarantee that the competent authority would be the same in both cases and that the limitation to regulated markets would be removed. At the same time, ESMA acknowledges that the CA for the RM is most likely the one approving the prospectus and suggests looking into the venue of admission. As it remains unclear to us what is the ultimate choice, we would comment on the alignment of RTS 1 and RTS 22, the prospectus perspective and the concept of venue of admission.

As ESMA does mention, there are some benefits in terms of data availability, quality and accuracy, to have as the RCA for the relevant instrument the one of the RM of the first admission to trading instead of considering the turnover as the main factor (see para 32). We would however repeat here the argument developed in our responses to Q66 of ESMA CP on the Review of RTS 2 on transparency for bonds, structured finance products and emission allowances, draft RTS on reasonable commercial basis and review of RTS 23 on supply of reference data and Q8 of ESMA CP on the Review of equity transparency (RTS 1 and CDR 2017/567); that is that the first admission to trading does not automatically take place on a regulated market but can take place on an MTF. Because an IPO can also take place on an MTF, the main criterion for the field 6b shall be the IPO but not that it is conducted on a RM (instead, on a trading venue).

If we take into account the fact that the MRMTL is the same for RTS 1 and RTS 22 in 95% of the cases for equities, and considering there is evidently merit in keeping the RCA of the venue of admission for the sake of data quality, we would suggest the following: the RCA for the relevant instrument as per RTS 22 shall be based on the venue of admission under the condition that this new field in RTS 23 is defined not on the basis of the selection of a RM but of the venue where capital was raised by the issuer. Combined with the field “date and time of first admission to trading”, this would guarantee to select from the start the most reliable trading venue and the associated competent authority.

<ESMA\_QUESTION\_RTS2224\_03>

**Q4 Do you agree with the proposed RCA determination rule for emission allowances and CIUs other than ETFs? Please provide details in your answer.**

<ESMA\_QUESTION\_RTS2224\_04>

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<ESMA\_QUESTION\_RTS2224\_04>

**Q5 Do you agree with the proposed RCA determination rule for equities for which no sufficient data is available to calculate the turnover? Please provide details in your answer.**

<ESMA\_QUESTION\_RTS2224\_05>

DBG agrees with the RCA determination rule for equities in the first year of admission but would like to propose some adjustments, linked to our response to Q3 and our responses to the relevant questions to the ESMA consultation papers on RTS 1 and RTS 23. We do agree that opting for the solution developed in para 33 would be a solution where the trading venue where the admission took place would not require calculation of the turnover; hence there would not be an issue in the identification of the relevant NCA in the first year of admission.

ESMA proposes to use the RCA of the RM where the first instrument is first admitted to trading or traded. We would definitely support this solution under 2 conditions:

- As suggested in the consultation paper on RTS 23, field 11 shall be used in conjunction with the new proposed field "Venue of admission". This would allow to get a correct and permanent identification of the relevant RCA.
- The field Venue of Admission shall not be defined as suggested by ESMA in the consultation paper on reference data (RTS 23) but shall allow any trading venue to be a Venue of Admission on the basis of the arguments provided in our previous response.
- This solution shall, as explained in our response to Q3 be the definition of the MRMTL under RTS 22. We believe that the venue of admission should remain in any case the MRMTL even if liquidity moves to another trading venue.

<ESMA\_QUESTION\_RTS2224\_05>

**Q6 Do you agree with the proposed RCA determination rules for the derivative contracts falling under Article 8a(2) of MiFIR? Please provide details in your answer.**

<ESMA\_QUESTION\_RTS2224\_06>

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<ESMA\_QUESTION\_RTS2224\_06>

**Q7 Do you agree with the proposed amendments to RCA determination rules for index derivatives and depositary receipts?**

<ESMA\_QUESTION\_RTS2224\_07>

No, DBG does not agree with the proposed amendments to RCA determination rules for index derivatives considering the following reasons:

- Jurisdictional disconnection: It is relatively easier for regulators based in different jurisdictions to share data among themselves, but it is a very complex procedure for trading venues to report to an authority located in a different jurisdiction. Also, we believe that the rule does not preclude competent authorities from receiving necessary data. There are existing mechanisms, such as information sharing agreements and cross-border regulatory cooperation, that ensure relevant data can be shared between authorities as needed.
- Fragmentation of data: Changing RCA determinations can result in fragmented data across multiple jurisdictions. If derivatives on CAC40 are traded on various international venues, the data will be dispersed among different jurisdictions, making it difficult for any single authority to get a complete picture. On the other hand, having the RCA based on the trading venue ensures that the authority with direct oversight of the market activities is responsible for monitoring and regulating derivatives, potentially leading to more effective and immediate regulatory actions.
- Burdens in reporting and oversight: Changing the standardised data collection system might increase regulatory and administrative costs due to the need for adjustments in reporting systems and processes. Trading venues might have to report to multiple authorities, including current NCAs, if the jurisdiction of the index were considered. Also, changing the reporting authority only for index derivatives would be discrepant from the reporting system of all other instruments i.e., format.

<ESMA\_QUESTION\_RTS2224\_07>

**Q8 Do you have any further comment or suggestion in relation to the inclusion of a new field to capture the effective date in transaction reports?**

<ESMA\_QUESTION\_RTS2224\_08>In the context of EMIR Refit, the current definition of "Effective Date" may cause confusion. The obligations arising from a transaction become binding and effective at the time of its conclusion. However, the term "Effective Date" is commonly understood in the industry to refer to the commencement of the period for calculating the resulting obligations,

typically the start of the interest period. Therefore, this field should be relevant only for debt instruments and interest derivatives, indicating the beginning of the interest term. Using the execution date as the "Effective Date" would be redundant and add no additional value. For other instruments, if this field must be populated, we recommend using the execution date.

<ESMA\_QUESTION\_RTS2224\_08>

**Q9 Do you agree that the concept of effective date applies also to transactions in shares? If yes, should the intended settlement date be considered as the effective date? Please provide details in your answer.**

<ESMA\_QUESTION\_RTS2224\_09>

No, DBG does not agree that the concept of effective date applies also to transactions in shares. Indeed, the concept of 'effective date' is used for interest calculation and does not appear appropriate for shares. Furthermore, to simplify reporting logic, redundant population of the same information (in this case the execution date) in different fields should be avoided, so for shares the effective date should remain empty. If one must populate the field for shares, we suggest to always use the execution date, which is the one recorded in the trading system.

<ESMA\_QUESTION\_RTS2224\_09>

**Q10 Do you agree with the inclusion of this new field according to the analysed scenario? Please specify if you see additional cases to take into consideration in the definition of this new field.**

<ESMA\_QUESTION\_RTS2224\_10>

DBG does not agree with the inclusion of this new field (entity subject to reporting). Indeed, we advocate for maintaining the transaction reporting regime as simple as possible, balancing the need for information to ensure market integrity and supervision without overwhelming supervised entities with requirements beyond that sufficiency point. We do not see any added value of filling the field "entity subject to reporting" as it can only differ when the reporting entity is outsourced. Otherwise, it would be additional burden on supervised entities.

<ESMA\_QUESTION\_RTS2224\_10>



**Q11 Do you agree with the assessment that the TVTIC reporting requirement applies to all type of on venue executed transactions (e.g., negotiated trades)?**

<ESMA\_QUESTION\_RTS2224\_11>

Yes, DBG would agree with the assessment that the TVTIC reporting requirement applies to all type of on venue executed transactions. Note that currently our T7 trading platform does associate a unique TVTIC for all transactions including negotiated trades.

<ESMA\_QUESTION\_RTS2224\_11>

**Q12 Do you have views on how to improve the consistency of the reporting of TVTICs? Please provide your view on the proposal of making mandatory the reporting of such information in validation rules when the MIC code is provided.**

<ESMA\_QUESTION\_RTS2224\_12>

DBG agrees that the TVTIC should be a mandatory field when an EEA MIC is reported. We support the proposal to implement this requirement through ad hoc validation rules when a MIC code is specified in the transaction report. This is already the case for trading venues that generate transaction reports for non-MiFID firms.

However, we would suggest that regulation should not enforce a specific format for the generation of the TVTIC, but allow the operator of the trading venue to generate a proper TVTIC based on the characteristics of its own trading system architecture. We are not in favour of mandating “a methodology for generating such a code in a harmonised manner” as enforcing a specific format for all trading venues (on top of the general requirement that the TVTIC should be unique, consistent and persistent per MIC and trading day) could create unnecessary IT complexity, without adding specific benefits. The main goal of this indicator is to have a unique transaction identifier at the level of a single trading venue.

Each trading venue should remain responsible for ensuring that a correct, valid and compliant TVTIC is generated for each of its own MICs, applying the rule that best fits the characteristics of its own systems.

Moreover, the TVTIC is currently maintained for each transaction, the latter being defined as per Art 12 RTS 24 as “resulting from the full or partial execution of an order”. Having in mind that one of the objectives of the TVTIC is to allow regulators to reconcile the different parties of a transactions as well as the sequencing in the case of partial executions of the same order, DBG has defined its TVTIC and in particular its uniqueness considering a transaction as a full execution or

a set of partial executions at same price level. But it is unclear at this stage if ESMA is modifying the definition of the TVTIC especially considering that the description of the TVTIC field differs between the draft RTS 22 Annex 1, Table 2, field 3 and the draft RTS 24 Annex 1, Table 2, field 48. DBG considers that unnecessary changes to the TVTIC definition and the introduction of a standardisation of the TVTIC format would be an extremely costly process we do not support.

<ESMA\_QUESTION\_RTS2224\_12>

**Q13 Do you have views on how to improve the consistency of the TVTIC ( non-EEA TV TIC) generation process for transactions executed in non- EAA venue? Please provide your view on the proposed syntax methodology based on the already reported fields or suggest alternatives.**

<ESMA\_QUESTION\_RTS2224\_13>

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<ESMA\_QUESTION\_RTS2224\_13>

**Q14 Do you agree with the proposal of identifying the non-EEA TV as the primary entity responsible for the creation of the non-EEA TV TIC code and for disseminating it?**

<ESMA\_QUESTION\_RTS2224\_14>

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<ESMA\_QUESTION\_RTS2224\_14>

**Q15 Do you have any further comment or suggestion in relation to the definition of a new transaction identification code (TIC) for off venue transactions? Please provide your view for the proposed syntax methodology for creating the TIC based on the already reported fields, or suggest alternatives.**

<ESMA\_QUESTION\_RTS2224\_15>

Yes, we would have a further aspect to consider. The information proposed for the TIC is already included in other reportable fields. To avoid redundancy, it is important to prevent unnecessary duplication, which would only result in additional validation and error handling efforts.

<ESMA\_QUESTION\_RTS2224\_15>

**Q16 Do you agree with the proposal of identifying the “market facing” firm acting as the seller as the primary entity responsible for the creation of the TIC code of off-venue transactions and for disseminating it to the other “market facing” firm acting as the buyer?**

<ESMA\_QUESTION\_RTS2224\_16>

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<ESMA\_QUESTION\_RTS2224\_16>

**Q17 Do you have any further comment or suggestion in relation to the inclusion of a new field (INTC identifier) to capture in detail the aggregate orders? Please provide views on the proposed methodology for defining a common syntax or suggest valuable alternatives.**

<ESMA\_QUESTION\_RTS2224\_17>

Generally, DBG would like to underline the difficulties and costs related to collecting information from external sources and would appreciate that the regulators account for the special situation faced by trading venues. As operator of trading venues, DBG has to report under Art 26 MiFIR on behalf of non-MiFIR firms. However, because trading venues would not have the relevant information to produce the relevant INTC identifier, our non-MiFIR members would be required to provide this identifier to the trading venue. Previous experience with similar cases (e.g. the provision of buyer and seller information) has demonstrated that relying on member’s input in order to be able to provide comprehensive transaction reporting data requires significant effort from both the exchange and the non-MiFIR member. As a result: 1- data quality might be compromised or the transaction reporting might be incomplete upon transmission; 2 - trading venues cannot validate the correctness of the third-party information they receive from other parties and 3 – data privacy rules might be violated.

Specifically to the point of INTC, DBG finds the proposal from ESMA rather complex. We would encourage ESMA to look into the solutions which are already in place to identify and report aggregated orders by trading venues. In the case of DBG, we already produce the identifier TRN\_REF\_NUMBERS (TxIds) with such a format that allows the regulator to identify OTC aggregated orders and related market executions. Because other trading venues might have similar

reporting strategies, we believe there would be merit in checking existing identifiers and base the new identifier on an existing one.

<ESMA\_QUESTION\_RTS2224\_17>

**Q18 Do you agree that the executing investment firm should be responsible for generating consistently the INTC identifier?**

<ESMA\_QUESTION\_RTS2224\_18>

Yes, DBG agrees that the executing investment firm should be responsible for generating the INTC identifier. We would however mention that this field will have to be provided by the investment firm to trading venues reporting on behalf of their non MiFIR-members; like for all fields requiring input from their members, trading venues have to bear the costs of ensuring that data is provided in time, compliant with the regulation and correct. Regulators shall be aware that this task is particularly cumbersome especially as applying to companies located outside of the EU.

<ESMA\_QUESTION\_RTS2224\_18>

**Q19 Do you agree with the proposal of how to report such additional field to identify and link chains in transaction reports? Please provide views on the key information to be considered for defining a common methodology for the syntax. Otherwise, please suggest alternatives for defining it and improve the linking process among chains.**

<ESMA\_QUESTION\_RTS2224\_19>

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<ESMA\_QUESTION\_RTS2224\_19>

**Q20 Do you agree with the proposal of identifying the entity executing transaction as the primary entity responsible for the creation of such code and for disseminating it?**

<ESMA\_QUESTION\_RTS2224\_20>

Yes, DBG agrees with the ESMA proposal. We would however mention that this field will have to be provided by the investment firm to trading venues reporting on behalf of their non MiFIR-members; like for all fields requiring input from their members, trading venues have to bear the costs of ensuring that data is provided in time, compliant with the regulation and correct. Regulators

shall be aware that this task is particularly cumbersome especially as applying to companies located outside of the EU.

<ESMA\_QUESTION\_RTS2224\_20>

**Q21 Do you agree with the proposed reference to Art. 3(3) of Benchmark Regulation to define the relevant categories of indices?**

<ESMA\_QUESTION\_RTS2224\_21>

Yes, DBG agrees with this proposal as it brings more clarity and legal certainty.

<ESMA\_QUESTION\_RTS2224\_21>

**Q22 Do you see a need to specify the ‘date by which the transaction data are to be reported’ different from the date of application of the relevant RTS 22 or have other comments with regards to the proposed timeline? If so, please specify.**

<ESMA\_QUESTION\_RTS2224\_22>

Yes, DBG would agree with the proposal to align the date by which the transaction data are to be reported and the date of application of the revised RTS 22. We would however be cautious of the lead time necessary for reporting entities to adjust their systems and would consider that 12 months is the minimum required for this, ideally 18 months. Of course, this lead time should only apply once all technical specifications are fully complete and without ambiguity. If major questions still need to be clarified in Q&As after the publication of technical documentation, then the implementation period should be extended accordingly.

Depending on some new requirements like the change in format and switch to JSON, we would insist on keeping consistency and alignment of timelines as much as possible between the different application dates. It is critical, from a project implementation point of view, that timelines are aligned wherever possible. This is particularly important for all changes related to regulatory reporting, such as RTS 22, 23 and 24, as well as the pre- and post-trade transparency provisions in both RTS 1 and RTS 2, which are interrelated. A harmonised approach seems to be the most practical and appropriate solution, providing the market with sufficient time to implement the changes, thus minimising potential problematic issues and additional risks.

Furthermore, it should be made clear that transactions occurring before the implementation of the revised RTS 22 do not need to be re-reported. Any new transaction reports submitted on or after the application date should use the new format. Consequently, a transaction executed the day before the application date may be reported in the old format if reported on the same day, or in

the new format if reported the following day. This approach ensures a straightforward application of the new rules.

<ESMA\_QUESTION\_RTS2224\_22>

**Q23 Are there any other international developments or standards agreed at Union or international level that should be considered for the purpose of the development of the RTS on transaction reporting?**

<ESMA\_QUESTION\_RTS2224\_23>

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<ESMA\_QUESTION\_RTS2224\_23>

**Q24 Do you agree with the proposed alignment of fields with EMIR/SFTR requirements as presented in the table above? Are there any other fields that should be aligned?**

<ESMA\_QUESTION\_RTS2224\_24>

Yes, DBG agrees with the proposed alignment of fields with EMIR/SFTR requirements as presented in the table.

<ESMA\_QUESTION\_RTS2224\_24>

**Q25 Do you agree with the proposed approach for the alignment of reporting of the information related to direction of the transaction?**

<ESMA\_QUESTION\_RTS2224\_25>

DBG considers the proposed approach to be overly complex. It should be clearly stated that in a standard buy or sell transaction, the buyer is the party receiving the instrument, and the seller is the party providing it. This principle should also apply to transactions such as currency swaps, regardless of the alphabetical order of the currencies. If the instruments reported under MiFIR have an ISIN and the reference data includes the direction of the cash flows, our proposed rule is simpler and clearer.

<ESMA\_QUESTION\_RTS2224\_25>

**Q26 Do you agree with the proposed approach for the alignment of reporting of the information related to price?**

<ESMA\_QUESTION\_RTS2224\_26>

Yes, DBG agrees with the proposed approach for the alignment of reporting of the information related to price.

<ESMA\_QUESTION\_RTS2224\_26>

**Q27 Do you agree with the proposed alignment of the concept of complex trades with EMIR?**

<ESMA\_QUESTION\_RTS2224\_27>

Yes, DBG agrees with the proposed alignment of the concept of complex trades with EMIR.

<ESMA\_QUESTION\_RTS2224\_27>

**Q28 Do you agree with adding the field 'Package transaction price' to align the reporting under MiFIR with EMIR Refit and CDE Technical Guidance?**

<ESMA\_QUESTION\_RTS2224\_28>

Yes, DBG agrees with adding the field 'Package transaction price'. It also simplifies the logic to always report the component price in the field price.

<ESMA\_QUESTION\_RTS2224\_28>

**Q29 Do you agree with the proposed additional fields to allow for the reporting of the ISO 24165 Digital Token Identifier for DLT financial instruments and underlyings?**

<ESMA\_QUESTION\_RTS2224\_29>

Yes, DBGs agrees that in the long-run an identifier for digital instruments would be preferable. But at this stage, we are indifferent, whether ESMA should already take a decision to define the "Digital Token Identifier (DTI) as the European standard. Please allow us to explain our perspective:

- **Early stage of different token identifiers:** The use of any digital identifier is in an early stage and there are more identifiers than only the "Digital Token Identifier (DTI – provided by the DTI Foundation). For example, in Germany there is also the International Token Identification Number (ITIN) issued by ITSA. So we are not sure, whether the DTI is the most appropriate standard to use at this stage.

- **Clarification of application:** We understand that there was an assessment, whether the DTI should be applied to
  - o in transaction reports for financial instruments that are natively issued on a block-chain
  - o for financial instruments that are re-issued in a tokenised form
  - o for crypto-assets that are not financial instruments under MiCA
- **Our experience:** We used the DTI already during the ECB trials on a voluntary basis; there was no client demand to use it yet. However, we could integrate the DTI into our data record, beside the ISIN, WKN, CFI and other identifiers used already.
- **Use of DTI in the MiCa context:** Some of our companies are planning to use the DTI in the context of MiCA already.
- **Client demand:** identifiers would help to classify specific instruments and help clients in their compliance efforts in the long-run, especially when there are larger volumes of digital financial instruments in the near future. Currently, we see no market demand for an identifier.
- **Relationship towards other codes/identifiers:** in the context of current securities it's the ISIN which should not be put into question. We understand that a DTI in comparison to an ISIN would also classify technological information (e.g. which DLT/protocol/on-chain/ledger is used to issue the instrument); thus the information would be additional and could not be deducted from the information collected in the ISIN. In the long-run there would be two identifiers for securities.
- **Costs of DTI:** currently they come at costs.
- **Two additional form fields:** to identify the DLT "financial instrument code" and "underlying identification code" seems to be possible to be added to our data base.

<ESMA\_QUESTION\_RTS2224\_29>

**Q30 Do you agree with the proposed amendments to Art.4 to extend the transmission of order agreement also to cases of acting on own account? Please detail your answer.**

<ESMA\_QUESTION\_RTS2224\_30>

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<ESMA\_QUESTION\_RTS2224\_30>

**Q31 Do you agree with the proposed amendments to Art.7 to include specific cases of portfolio and fund managers? Please detail your answer.**

<ESMA\_QUESTION\_RTS2224\_31>



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<ESMA\_QUESTION\_RTS2224\_31>

**Q32 Do you have any comments on the proposed approach to updating the ‘Instrument details’ section in the Annex to the RTS 22? Please flag any additional aspects that may need to be considered.**

<ESMA\_QUESTION\_RTS2224\_32>

DBG agrees with the approach to not report instrument characteristics under RTS 22 if the instrument is reported under RTS 23. Wherever possible regulators should avoid, where data quality and availability are equivalent, redundant reporting of information and data.

<ESMA\_QUESTION\_RTS2224\_32>

**Q33 Do you support inclusion of the new fields listed above? Please provide details in your answer.**

<ESMA\_QUESTION\_RTS2224\_33>

The ISO20022 XML file sent to the Competent Authority already contains the Creation Date (XML tag <CreDt>) in the header. This tag is a complete timestamp which clearly defines the validity of all transaction reports contained in the file. It is unnecessarily redundant to include such a field on every single transaction report and would also raise issues in case of inconsistent values in both fields.

No, DBG does not agree with the inclusion of the field for the categorization of the clients. As the trading venue reporting transaction data on behalf of non-MiFIR firms, DBG is reluctant to ask additional information from investment firms about their own clients; in particular private information (data of birth, category, etc.) is a very delicate matter: 1 – trading venues can request – although reluctantly - private information however cannot in any case validate it and 2 – private information shall not be stored by an entity which is not the investment firms for security concerns.

Additionally,DBG does not support the proposal to include the client category in the reporting details; from a functional perspective, the mapping of this new field “categorisation of clients” is ambiguous and would necessitate a considerable degree of effort both in terms of resources and time. Moreover, client-related information is already clearly specified in RTS 22 and third-country clients might not be permitted to provide personal data including any categorisation making the compliance of trading venues with Article 26(5) MiFIR to report on behalf of third-country clients even more difficult.

Finally regarding the “Validity timestamp – Action type” field, we do not fully grasp what is the validity ESMA is trying to assess. Hence we would ask ESMA to explain this further.

<ESMA\_QUESTION\_RTS2224\_33>

**Q34 Do you agree with the amendments listed above for the existing fields? Please provide details in your answer.**

<ESMA\_QUESTION\_RTS2224\_34>

Yes, DBG agrees with the listed amendments for the existing fields.

<ESMA\_QUESTION\_RTS2224\_34>

**Q35 Do you support suppressing the reporting of the field listed above? Please provide details in your answer.**

<ESMA\_QUESTION\_RTS2224\_35>

Yes, DBG supports dropping the field “Short selling indicator”.

<ESMA\_QUESTION\_RTS2224\_35>

**Q36 Do you agree with the proposal of including in the list of exempted transactions under Art.2(5) the disposal or selling of financial instruments ordered by a court procedure or decided by insolvency administrator in the context of a liquidation / bankruptcy / insolvency procedure?**

<ESMA\_QUESTION\_RTS2224\_36>

Yes, DBG agrees with the with the proposal.

<ESMA\_QUESTION\_RTS2224\_36>

**Q37 Do you consider that the exemption in Art.2 (5) should take into consideration also other similar instances as described? Please elaborate your answer.**

<ESMA\_QUESTION\_RTS2224\_37>

It would make sense to also exempt transactions performed by a Clearinghouse to close positions of a defaulted Clearing Member.

<ESMA\_QUESTION\_RTS2224\_37>

**Q38 Do you agree with the assessment and the proposal of expanding the perimeter of the exempted transactions to auctions in emission allowances?**

<ESMA\_QUESTION\_RTS2224\_38>

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<ESMA\_QUESTION\_RTS2224\_38>

**Q39 Do you agree with the proposal of narrowing the perimeter of the exempted novations to transactions having clearing purposes?**

<ESMA\_QUESTION\_RTS2224\_39>

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<ESMA\_QUESTION\_RTS2224\_39>

**Q40 Please provide your views on the format for reporting and any challenges you foresee with the use of JSON format compared to XML. Please provide estimates of the costs, timelines of implementation and benefits (short and long term) related to potential transition to JSON.**

<ESMA\_QUESTION\_RTS2224\_40>

As a general remark, DBG advocates that formats are aligned between different regulations (EMIR, MiFID, Dodd- Frank, SFTR) and no sole attempts are pursued by single regulations.

DBG has already commented on the adoption of the JSON format in their response to the previous ESMA consultations on RTS 1, RTS 2 and RTS 23. We would reiterate that whereas DBG does not disagree with the adoption of the JSON format in the non-real-time space, the change in format is definitely a long and costly process for all reporting entities. As a consequence, we would demand that the changes in RTS 22 and the transition to JSON are made at the same time (see also our response to Q44 on RTS 24). This synchronisation would avoid additional costly development efforts, which would necessarily occur with a staggered implementation. We would ask ESMA to account for this lead time for the set-up of the application date of RTS 22. Moreover, even if we anticipate a smooth transition to JSON thanks to its lightweight and flexible structure, JSON's inherent features – such as simplicity and the absence of standardised schemas – require careful

handling to maintain data quality. Hence, it would be beneficial for ESMA to create a robust data validation framework for the data provided in the JSON format. This framework would ensure the accuracy and reliability of data submitted by various reporting entities, promoting consistency and adherence to regulatory requirements while maintaining overall data integrity.

As pointed out above and for the avoidance of doubt, we would like to reiterate that we do not consider JSON as being suitable for real-time data distribution due to better alternatives, i.e. binary formats.

<ESMA\_QUESTION\_RTS2224\_40>

**Q41 Should the use of transaction data to perform the calculations be feasible, what would be the costs and the benefits of using this data and discontinuing the specific reporting flows (FITRS and / or DVCAP), including in relation to the change and run costs of reporting systems, data quality assurance and other relevant aspects?**

<ESMA\_QUESTION\_RTS2224\_41>

DBG understands ESMA's rationale in the merit in streamlining the submission of the necessary quantitative data under RTS 1, 2 and 3 in the same process & report and the consequent avoidance of submission of duplicative data, in different submissions at different points in time. We also at this time understand that ESMA has made the decision to decommission FITRS and DCVAP systems, hence will keep our remarks minimal. To the question, DBG does not anticipate significant cost savings from the proposal in relation to equities as resources are used for other tasks like reference data.

We would like still to highlight some concerns we have regarding sourcing the transparency calculations solely from transaction reporting data:

- Not submitting the information for the sole purpose of transparency calculations does not mean that trading venues will not have to submit the same data for different purposes. As described in the ESMA CP3 consultation for Option C for Article 17 and Table 2 Annex IV, trading venues would still have to submit detailed information to ESMA, and it is unclear if this information would then be sourced from transaction reporting or requested directly from trading venues (transaction reporting only considers the reference price waiver). In any case, trading venues will still report data to the ESMA systems, starting with reference data as per RTS 23.
- We consider that ESMA has currently the possibility to use both data under transaction reporting and under FITRS to perform some data checks and reconciliation between sources. If trading venues no longer report to FITRS and DVCAP, this check will not be possible.

In conclusion, we believe there is value in ESMA focusing on refining transaction reporting in the first stage, before considering potential efficiencies. ESMA must strive to adequately address the data quality issues. Given that such a proposal would represent a significant change to existing processes, it must also be ensured that all reports are thoroughly reviewed and rationalised, while also minimising the ad-hoc and annual data requests currently issued by ESMA.

In relation to non-equities, however, we would support the discontinuation of these reporting flows, especially since the MiFIR Review has moved the non-equities transparency regime to rely on static thresholds and characteristics.

<ESMA\_QUESTION\_RTS2224\_41>

**Q42 Do you have any comments on the methodological approach outlined above?**

<ESMA\_QUESTION\_RTS2224\_42>

With regards to equities, DBG appreciates the additional information provided by ESMA in this consultation on the proof of concept but we are concerned that the assessment indicates that at this stage the data results are not sufficiently high to deliver an outcome that is accurate enough to base trading metrics on. We would like to comment on some aspects of the approach and results for the proof of concept:

- There appear to be issues with determining the LIS threshold, as the discrepancy between the two set of reports seems quite large. This margin of error is more likely for the LIS thresholds than it is for the SMS thresholds. Indeed, for the LIS thresholds shares are distributed across six buckets, whereas for the SMS threshold almost 100% of shares fall into the first bucket with an ADT below 20K (see page 60) as provided in the ESMA consultation paper on equity transparency (RTS 1 and CDR 2017/567), volume caps (RTS 3), and circuit breakers (new RTS). We therefore question whether reconciliation between the databases is feasible at this stage.
- The low results from the LIS threshold could also potentially reflect an underlying issue with the use of waivers. Investment firms may not have full visibility of the waivers used in trading systems, which could result in trading venues having to provide more details back to clients, possibly requiring further system updates—something that seems counterintuitive. In our view, it would make more sense for us, as the source of this data, to continue providing it directly to ESMA.

Regarding waivers, as per the new Art. 26 MiFIR, Field 61 is simplified (deleting “applicable waiver under which the trade has taken place”) and could only be used for DVCP to identify those transactions under the RPW. However, we wonder whether this information, should still be retained for regulators to track volumes under waivers.

DBG would like to draw ESMA’s attention on the deadlines for data submission attached to various parts of MiFIR and the issues that currently arise and will continue in the future; in particular, in

the specific case of transaction reporting and transparency calculations. The alignment of transaction reporting with reference data deadlines at T+1 is problematic. DBG, as a trading venue, is responsible for collecting data on persons, entities, and algorithms involved in the order process under RTS 24 and reporting on behalf of non-MiFIR firms under RTS 22. The challenge arises from the tight and misaligned deadlines imposed by RTS 22 and RTS 24, making it technically impossible to synchronize the data delivery of buyer and seller information on time which leads to delays and inaccuracies in data reporting as well as lower-quality transaction reporting that contradicts objectives of ESMA. We are already facing cases of rejections for incorrect or outdated reference data for transaction reporting, because updated reference data has not been processed and disseminated quickly enough. Also, we do not always have a chance to correct on time the misinformation coming from non-MiFIR firms due to the tight deadline. ESMA should be aware that rejections will keep on happening in the future.

As a specific example, to fulfill both RTS 24 and RTS 22 obligations, trading venues must collect client identification codes under RTS 24 by the end of T+1 working day. They must also submit RTS 22 data to their NCA by 23:59:59 on T+1. However, the client details required for RTS 24 are also needed for RTS 22 reporting. If trading participants provide this data close to the final deadline, it becomes technically impossible for the venue to meet its reporting obligations in a timely manner. Furthermore, venues like DBG, acting as intermediaries for non-MiFIR firms, face operational challenges in collecting and monitoring data within the limited timeframe, exacerbated by time-zone differences and the need for participant corrections. Lastly, retaining the short deadlines will necessitate frequent backloading of transaction submissions, leading to additional costs for trading participants, which again contradicts with ESMA objectives. Ideally, the RTS 22 reporting deadline would be T+2 23:59:59 in order to avoid rejections for incorrect or outdated reference data.

<ESMA\_QUESTION\_RTS2224\_42>

**Q43 Do you have other comments on this potential change, e.g. on specific issues, challenges or alternatives that could be considered by ESMA in its assessment?**

<ESMA\_QUESTION\_RTS2224\_43>

With regards to equities, as per the above, we suggest ESMA should work on further refining transaction reporting first and then once this has been delivered, there could be further consideration of where efficiencies could be achieved.

<ESMA\_QUESTION\_RTS2224\_43>

**Q44 Do you agree with the proposal of adopting JSON as standard and format of order book data keeping and transmission? Please justify your answer.**

<ESMA\_QUESTION\_RTS2224\_44>

Please see our response to Q40 as well. DBG does not disagree with the adoption of the JSON format; we concur that JSON is a modern and convenient solution that can handle high data volumes; it's generally more lightweight, less verbose, and can therefore improve the performance when dealing with large data sets.

<ESMA\_QUESTION\_RTS2224\_44>

**Q45 Please provide your views on the format of reporting and any challenges you foresee with the use of JSON format compared to XML. Please provide estimates of the costs, timelines and benefits (short and long term) related to the potential implementation of JSON syntax.**

<ESMA\_QUESTION\_RTS2224\_45>

Consistent with our previous responses on the same matter, DBG strongly recommends that ESMA defines a strong and detailed schema, which defines the structure of the JSON. A schema will enable a more informed technical response and ensure a harmonised data provision across the EU. It is important that, when defining the structure, one should avoid deeply nested structures; data should be rather flat or moderately nested to maintain the advantages of a JSON format. This will allow faster processing and easier integration into modern systems such as APIs and alike. This will also ensure human readability.

The proposed solution should ensure that any analysis conducted on the data provided in JSON format can continue. Therefore, it is essential to emphasize that implementing JSON and manually analysing data in this format would result in additional, unreasonable costs and should be avoided.

We would reiterate that the change in format is a long and costly process for all reporting entities. As a consequence, we would demand that the changes in RTS 24 and the transition to JSON are made at the same time (see also our response to Q40 on RTS 22). This synchronisation would avoid additional costly development efforts, which would necessarily occur with a staggered implementation. We would ask ESMA to account for this lead time for the set-up of the application date of RTS 24.

<ESMA\_QUESTION\_RTS2224\_45>

**Q46 Do you have any comments on the proposed approach to updating the field list in the Annex to align with the proposed RTS 22 fields? Please flag any additional aspects that may need to be considered.**

<ESMA\_QUESTION\_RTS2224\_46>

DBG agrees with the alignment of RTS 24 and RTS 22 which allows for data consistency and better data quality.

<ESMA\_QUESTION\_RTS2224\_46>

**Q47 Do you support inclusion of the new fields listed above?**

<ESMA\_QUESTION\_RTS2224\_47>

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<ESMA\_QUESTION\_RTS2224\_47>

**Q48 Do you agree with the amendments listed above for the existing fields?**

<ESMA\_QUESTION\_RTS2224\_48>

Yes, DBG agrees with the listed amendments.

<ESMA\_QUESTION\_RTS2224\_48>

**Q49 Do you have further suggestions to improve or streamline the other fields in RTS 24?**

<ESMA\_QUESTION\_RTS2224\_49>

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<ESMA\_QUESTION\_RTS2224\_49>