



# Public consultation on draft joint guidelines on the oversight cooperation and information exchange between the ESAs and the competent authorities under Article 32(7) of Regulation (EU) 2022/2554

Fields marked with \* are mandatory.

## Introduction

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The European Supervisory Authorities (EBA, EIOPA and ESMA) have published the second batch of Consultation Papers on the mandates conferred on them by the Digital Operational Resilience Act (DORA) with the aim to collect market participants' feedback on the proposed draft joint guidelines on the oversight cooperation and information exchange between the ESAs and the competent authorities under Regulation (EU) 2022/2554.

Market participants are invited to provide their feedback on the draft guidelines by responding to the questions presented in this consultation paper.

The feedback received will be taken into account in the finalisation of the draft guidelines, which are due to be developed by 17 July 2024.

Comments are most helpful if they:

- respond to the questions stated;
- indicate the specific point to which a comment relates;
- contain a clear rationale;
- provide evidence (including relevant data, where applicable) to support the views expressed;
- reflect a cross-sectoral (banking, insurance, markets and securities) approach, to the extent possible; and
- describe any alternative approaches the ESAs could consider.

**To submit your comments, please click on the blue “Submit” button in the last part of the present survey. Please note that comments submitted after 4 March 2024 or submitted via other means will not be processed.**

Do you agree with the publication of your comments?

- Yes, I agree with the publication of my comments.
- No, I want that my comments are treated confidential.

A confidential response may be requested from the ESAs in accordance with the ESAs' rules on public access to documents. We may consult you if we receive such a request.

Any decision we make not to disclose the response is reviewable by the ESAs' Boards of Appeal and the European Ombudsman.

The protection of individuals with regard to the processing of personal data by the ESAs is based on Regulation (EU) 1725/2018 of the European Parliament and of the Council of 23 October 2018. Further information on data protection can be found under the Legal notice section of the ESA websites.

## General Information

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\* Name of the Reporting Stakeholder

Deutsche Boerse Group

Legal Entity Identifier (LEI) if available

529900G3SW56SHYNPR95

\* Type of Reporting Organisation

- ICT Third-Party Service Provider
- Financial Entity
- Industry Association/Federation
- Consumer Protection Association
- Competent Authority
- Other

\* Financial Sector

- Banking and payments
- Insurance and pension
- Markets and securities
- Other

\* Jurisdiction of Establishment

Germany

\* Geographical Scope of Business

- EU domestic
- EU cross-border

- Third-country
- Worldwide (EU and third-country)

\* Name of Point of Contact

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\* Email Address of Point of Contact

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## Questions

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Question 1: Do you consider Guideline 1 to be clear, concise and comprehensible?

- Yes
- No

Question 2: Do you consider Guideline 2 to be clear, concise and comprehensible?

- Yes
- No

Question 3: Do you consider Guideline 3 to be clear, concise and comprehensible?

- Yes
- No

Question 4: Do you consider Guideline 4 to be clear, concise and comprehensible?

- Yes
- No

Question 5: Do you consider Guideline 5 to be clear, concise and comprehensible?

- Yes
- No

Question 6: Do you consider Guideline 6 to be clear, concise and comprehensible?

- Yes
- No

Question 7: Do you consider Guideline 7 to be clear, concise and comprehensible?

- Yes
- No

Question 8: Do you consider Guideline 8 to be clear, concise and comprehensible?

- Yes
- No

Question 9: Do you consider Guideline 9 to be clear, concise and comprehensible?

- Yes
- No

Question 10: Do you consider Guideline 10 to be clear, concise and comprehensible?

- Yes
- No

Question 11: Do you consider Guideline 11 to be clear, concise and comprehensible?

- Yes
- No

Question 12: Do you consider Guideline 12 to be clear, concise and comprehensible?

- Yes
- No

Question 13: Do you consider Guideline 13 to be clear, concise and comprehensible?

- Yes
- No

Question 14: Taking into account the specific scope of these Guidelines, do you consider that these Guidelines cover all the instances where cooperation and information exchange between competent authorities and the Lead Overseer is necessary?

- Yes
- No

Question 15: Do you consider that the implementation of these Guidelines will contribute to adequate cooperation and information exchange between the European Supervisory Authorities and competent authorities in the conduct of oversight activities?

- Yes
- No

Question 16: What are your main expectations regarding the impact on financial entities and critical ICT third-party service providers of the application of these Guidelines?

In view of the number of parties involved in the exchange of information and the sensitivity of the business-relevant data being a part of it, it is expected above all that the integrity and confidentiality of such information is adequately protected and guaranteed during the exchange and that the principle of data minimisation will be applied.

While we also understand that encryption of data would make the exchange of data safer, we would like to point out that in the case of real time market data publication, this could significantly slow down the process of data which needs to be available as quick as possible in order to be beneficial for market participants.

## Contact

[Contact Form](#)