

Targeted consultation on integration of EU capital markets – Part 2

Fields marked with * are mandatory.

For technical reasons, the questionnaire has been divided into 2 parts.

This is part 2

Part 1 on **simplification and burden reduction, trading, and post-trading** is available [here](#):

[Respond to part 1](#)

Also note that the **question numbering might differ compared to the original pdf version** of the consultation document published on 15 April.

Introduction

Implementation of the [savings and investments union \(SIU\) strategy](#), as presented in the **Commission Communication of 19 March 2025, is a top priority of the Commission. The [SIU](#) will be a key enabler of wider efforts to boost competitiveness in the EU economy by improving the way the EU financial system mobilises savings for productive investment, thereby creating more and better financial opportunities for citizens and businesses.**

The development and integration of EU capital markets should be a market-driven process, but various barriers to that market-driven process must first be removed. Despite the harmonisation of regulatory frameworks and the existence of financial services passports, the persistent fragmentation due to these barriers is limiting the potential benefits of the EU's single market. Financial-market participants cannot fully benefit from scale economies and improved operational efficiency, or are not adequately incentivised to facilitate cross-border investments, raising the costs and restricting the choice of financial services available to businesses and citizens. By delivering better and cheaper financial services, the SIU will be a key element in boosting economic competitiveness.

More integrated and modernised EU capital markets should also allow us to explore and benefit from technological developments and innovation. The use of newer generation technologies such as distributed ledger

technology, tokenisation of financial instruments, will allow us to empower our capital markets and equip them for the opportunities and challenges ahead.

The Communication on the SIU announced legislative proposals in the fourth quarter of 2025 to remove barriers to cross-border trading and post-trading, cross-border distribution of investment funds and cross-border operations of asset managers. This reflects [President von der Leyen's mission letter to Commissioner Albuquerque](#), which includes the task to “*explore further measures to [...] promote scaling up of investment funds, and remove barriers to the consolidation of stock exchanges and post-trading infrastructure*”. To this end, the Commission has already launched external studies to identify barriers affecting the consolidation of trading and post-trading infrastructures and the scaling up of investment funds in the EU. These barriers include those of an economic, legal (at national and EU level), technological, behavioural and operational nature.

Divergences in supervisory practices can also act as a specific barrier to capital-market integration, as financial-market participants operating across borders must manage different requirements across the single market. Accordingly, any strategy to integrate EU capital markets naturally leads to the need for more efficient and harmonised supervision. The aforementioned studies also seek to identify barriers to integration that are linked to supervision and the Commission will propose legislative measures in the fourth quarter of 2025 to strengthen supervisory convergence and to transfer certain supervisory tasks for capital markets to the EU level.

As part of implementing the SIU strategy, this targeted consultation seeks stakeholders' feedback on several issues and possible measures, legislative or non-legislative on 2 main areas:

- barriers in general to the integration and modernisation of trading and post-trading infrastructures, the distribution of funds across the EU and efficient cross-border operations of asset management
- and barriers specifically linked to supervision

In line with the [simplification communication](#), simplification will underpin all efforts to implement the SIU strategy and respondents are invited to indicate any areas in which regulatory simplification would be appropriate.

As a swift action is required under the savings and investments union strategy to untap EU enormous potential and give it the means to secure its economic future, this consultation must be completed within eight weeks. It is acknowledged that this consultation is extensive and to the extent that not all questions will be relevant to all stakeholders, respondents are invited to reply only to those questions that are most relevant to them.

Responding to this consultation

In this targeted consultation, the Commission is interested in the views of a wide range of stakeholders. Contributions are particularly sought from financial institutions and other markets participants, national supervisors, national ministries, the ESAs, EU institutions, non-governmental organisations, think tanks, consumers, users of financial services and academics. Market participants include operators and users of trading and post-trading infrastructures in the EU, notably trading venues, broker-dealers, issuers, institutional and retail investors, clearing counterparties (CCPs), central securities depositaries, trade repositories, other financial market infrastructure operators, asset managers, investment funds, regardless of where they are domiciled or where they have established their principal place of business.

This consultation should be seen as a distinct exercise from any targeted queries received by relevant stakeholders in relation to the currently ongoing external studies to identify barriers affecting the consolidation of trading and post-trading infrastructures and the scaling up of investment funds in the EU.

Responses to this consultation are expected to be most useful where issues raised in response to the questions are supported with a clear and detailed narrative, evidenced by data (where possible), concrete examples, legal references and qualitative evidence, and accompanied by specific suggestions for solutions to address them in the Regulation.

Urgent action is required to address persistent fragmentation that limits the benefits to be gained from the EU's single market and contribute to secure EU's prosperity and economic strength. All interested stakeholders are invited to reply by 10 June 2025 at the latest to the online questionnaires below.

Please note that to ensure a fair and transparent consultation process only responses received through the online questionnaires will be taken into account and included in the report summarising responses.

Recognising the comprehensive nature of this consultation, it has been decided to divide it into six key topics: simplification, trading, post trading, horizontal barriers to trading and post-trading, asset management and funds and supervision. This approach aims to streamline the response process and ensure each aspect is thoroughly addressed, thereby making it more manageable for respondents to engage with and contribute their insights effectively. By organising the consultation in this manner, the aim is to encourage detailed and focused feedback on each specific area, ultimately leading to a more robust and inclusive dialogue.

Please note: In order to ensure a fair and transparent consultation process **only responses received through our online questionnaire will be taken into account** and included in the report summarising the responses. Should you have a problem completing this questionnaire or if you require particular assistance, please contact fisma-markets-integration-supervision@ec.europa.eu.

More information on

- [this consultation](#)
- [the consultation document](#)
- [savings and investments union](#)
- [the protection of personal data regime for this consultation](#)

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German

- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Dusan

* Surname

Ristic

* Email (this won't be published)

dusan.ristic@deutsche-boerse.com

* Organisation name

255 character(s) maximum

Deutsche Börse Group

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

20884001341-42

* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|-------------------------------------------|------------------------------------------|-------------------------------------|--------------------------------------------------------|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Anguilla | <input type="radio"/> Eritrea | <input type="radio"/> Malaysia | <input type="radio"/> Senegal |
| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Serbia |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini | <input type="radio"/> Mali | <input type="radio"/> Seychelles |
| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Malta | <input type="radio"/> Sierra Leone |

- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo

- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia

- Democratic Republic of the Congo
- Lesotho
- Saint Kitts and Nevis
- Zimbabwe
- Denmark
- Liberia
- Saint Lucia

* Field of activity or sector (if applicable)

- Auditing
- Central bank
- Central Counterparty (CCP)
- Central Securities Depository (CSD)
- Clearing house
- Credit institution
- Credit rating agency
- Energy trading company (non-financial)
- European supervisory authority
- Insurance
- Investment firm
- Investment management (e.g. hedge funds, private equity funds, venture capital funds, money market funds, securities)
- Market infrastructure operation (except CCPs, CSDs, stock exchanges)
- Member State Authority other than a national supervisory authority
- Multilateral development bank
- National supervisory authority
- Organisation representing European consumers' interests
- Organisation representing European retail investors' interests
- Pension provision
- Public authority
- Publicly guaranteed undertaking
- Settlement agent
- Stock exchange
- System operator
- Technology company
- Other
- Not applicable

The Commission will publish all contributions to this targeted consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') is always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only the organisation type is published: The type of respondent that you responded to this consultation as, your field of activity and your contribution will be published as received. The name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

Select the topics

To the extent that not all questions will be relevant to all stakeholders, respondents are invited to reply only to those questions that are most relevant to them within the questionnaires they have chosen to respond to.

Choose the section(s) you want to respond to:

Please select as many answers as you like

4. Horizontal barriers to trading and post-trading infrastructures

5. Asset management and funds

6. Supervision

7. Horizontal questions on the supervisory framework

For technical reasons, the questionnaire has been divided into 2 parts.

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4. Horizontal barriers to trading and post-trading infrastructures

This section seeks feedback on horizontal barriers to trading and post-trading infrastructures in four main areas:

- EPTF (European Post Trade Forum)
- cross-border operational synergies between entities
- issuance
- and innovation

Respondents are asked to provide concrete examples to support answers provided, and, where possible, quantitative and qualitative information.

4.1. EPTF barriers

Question 1. How do you assess the continuing importance and the urgency of their resolution of the barriers identified by the [EPTF report](#) and those put on [EPTF watchlist](#) (WL) in 2017?

a) Fragmented corporate actions and general meeting processes (EPTF 1)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier a)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier a):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

b) Lack of convergence and harmonisation in information messaging standards (EPTF 2)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier b)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier b):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

c) Lack of harmonisation and standardisation of ETF processes (EPTF 3)

- High urgency
- Medium urgency

- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier c)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier c):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

d) Inconsistent application of asset segregation rules for securities accounts

(EPTF 4)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier d)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier d):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

e) Lack of harmonisation of registration rules and shareholder identification processes (EPTF 5)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier e)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier e):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

f) Complexity of post-trade reporting structure (EPTF 6)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier f)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier f):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

g) Unresolved issues regarding reference data and standardised identifier (EPTF 7 (formerly Giovannini Barriers 8 and 9, redefined and combined))

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier g)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier g):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

- ISINs are for free
- No taxonomy of data

h) Uncertainty as to the legal soundness of risk mitigation techniques used by intermediaries and of CCPs' default management procedures (EPTF 8) (formerly Giovannini Barrier 14)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier h)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier h):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

i) Deficiencies in the protection of client assets as a result of the fragmented EU legal framework for book entry securities (EPTF 9) (formerly Giovannini Barrier 13)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier i)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier i):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

j) Shortcomings of EU rules on finality (EPTF 10)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier j)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier j):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

k) Legal uncertainty as to ownership rights in book entry securities and third-party effects of assignment of claims (EPTF 11) (formerly Giovannini Barrier 15)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier k)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier k):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

l) Inefficient withholding tax collection procedures (the lack of a relief-at-source system) (EPTF 12)

-

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier l)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier l):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

m) National restrictions on the activity of primary dealers and market makers (WL1)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier m)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier m):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

.....

n) Obstacles to DvP settlement in foreign currencies at CSDs (WL2)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier n)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier n):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

.....

o) WL3: Issues regarding intraday credit to support settlement (WL3)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier o)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier o):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

p) Insufficient collateral mobility (WL4)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier p)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier p):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

q) Non-harmonised procedures to collect transaction taxes (WL5)

- High urgency
- Medium urgency
- Low urgency
- No longer relevant
- Don't know / no opinion / not applicable

Do you agree with EPTF recommendations for barrier q)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answers on barrier q):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

4.2. Leveraging cross-border operational synergies between entities (outsourcing, treatment of group structures)

Question 2. Do you believe that the current regulatory and supervisory set-up as regards outsourcing is adequate, and captures the risks linked to outsourcing appropriately?

- 1 - Inadequate
 - 2 - Rather inadequate
 - 3 - Neutral
 - 4 - Rather adequate
 - 5 - Adequate
 - Don't know / no opinion / not applicable
-

Question 3. In case of groups that include trading and/or post-trading infrastructures, does the legislative framework adequately cater for intra-group synergies, notably by way of outsourcing?

- 1 - Inadequate
 - 2 - Rather inadequate
 - 3 - Neutral
 - 4 - Rather adequate
 - 5 - Adequate
 - Don't know / no opinion / not applicable
-

Question 4. What are the main barriers to consolidation at group level of CSDs' functions:

Please select as many answers as you like

- legal barriers in the CSDR
- legal barriers in other EU legislative acts
- legal barrier (incl. fiscal, tax-related regulatory requirements) in national law

- supervisory barriers
 - technical/operational barriers
 - market practice
 - other barriers
-

Question 5. Are there barriers to consolidation due to the structure of the regulatory reporting mandated in the CSDR?

- Yes
- No
- Don't know / no opinion / not applicable

Please justify your answer to question 5, in particular identifying potential risks:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 6. Are there barriers to consolidation due to the organisational requirements (e.g. on outsourcing) mandated in the CSDR?

- Yes
- No
- Don't know / no opinion / not applicable

Please justify your answer to question 6, in particular identifying potential risks:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 7. Are there obstacles to consolidation related to the current CSD supervisory and oversight framework?

- Yes
- No
- Don't know / no opinion / not applicable

Please justify your answer to question 7, in particular identifying potential risks:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

4.3. Issuance

Question 8. Please describe the steps and how long it takes to issue securities (and, if applicable other financial instruments) in your Member State, indicating which steps could work better, in particular if undertaken cross-border (i.e. CSD and/or trading venue is in another Member State):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The issuance of securities involves a complex interplay of actors, including the issuer, specialized law firms, investment banks, and the (I)CSD and others. This holds true for both domestic and cross-border issuances. While the technical issuance process via the (I)CSD is highly efficient, often taking mere seconds to minutes, the overall timeframe for issuance, especially in cross-border scenarios, can stretch to weeks or even months. This discrepancy arises from several factors predominantly outside the (I)CSD's purview.

The current process involves several rather manual steps and reconciliation processes between the issuer, legal advisors, and investment banks. These manual touchpoints, often involving paper-based documentation and varying national requirements, become particularly cumbersome in cross-border transactions. Differences in legal frameworks, regulatory reporting obligations, and tax considerations across jurisdictions contribute to the extended timeframe.

While (I)CSDs offer fast processing times (ranging from 8 seconds to 5 minutes), same-day settlement, and access to national and international markets at a low cost (e.g., €0.6 per issuance for acceptance and registration of electronic securities in Germany), these advantages are often offset by upstream inefficiencies.

Addressing these pre-CSD bottlenecks is crucial for realizing the full potential of efficient cross-border issuance. Increased standardization of processes and machine-readable terms and conditions of securities

can significantly streamline the process. Technologies like generative AI can further automate document creation and review, reducing both time and costs. Harmonizing regulatory standards across Member States (e.g. via a 28th regime to create a common securities law) would further accelerate cross-border issuances and reduce the burden on issuers navigating multiple jurisdictions (please see also our answers to chapter 3).

The extended timeframe for cross-border issuance translates into higher costs for issuers, impacting their access to capital markets, particularly for smaller and medium-sized enterprises (SMEs). A more streamlined and efficient process would lower the barriers to entry and foster greater cross-border investment.

Therefore, while the technical capabilities of (I)CSDs are advanced, focusing solely on their optimization neglects the broader ecosystem. A holistic approach addressing the entire issuance lifecycle, including legal, regulatory, and technological aspects, is essential to unlock the full benefits of cross-border capital markets integration."

Question 9. What are the main barriers to the smooth functioning of processes related to pre-issuance and issuance in an integrated EU market?

Please select as many answers as you like

- legal barriers in the CSDR
- supervisory practice
- differing or lack of data exchange standards (exchange of non-machine readable data)
- market practice
- differences in national requirements
- technical/technological aspects
- other barriers

Barrier due to legal requirements - Pre-issuance and issuance

	Describe the barrier due to legal requirements
Explanation of the barrier	
Reason(s) why it is a barrier	
Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level)	
Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant	
Operational requirements that create the barrier (national or EU level)	
Technical/technological aspect(s) related to the barrier, if relevant	
Member State(s) in which the barrier exists, if relevant	
Estimation of the costs of the barrier	
Potential solution(s) to remove or lower the barrier, in descending order of importance	

Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).

Data on the potential costs and benefits of the suggested solution(s)

Assess the priority level for addressing barriers to pre-issuance and issuance due to legal requirements:

- High priority
- Medium priority
- Low priority
- Don't know / no opinion / not applicable

Barrier due to differing or lack of data exchange standards - Pre-issuance and issuance

	Describe the barrier due to differing or lack of data exchange standards
Explanation of the barrier	
Reason(s) why it is a barrier	
Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level)	
Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant	
Operational requirements that create the barrier (national or EU level)	
Technical/technological aspect(s) related to the barrier, if relevant	
Member State(s) in which the barrier exists, if relevant	
Estimation of the costs of the barrier	

Potential solution(s) to remove or lower the barrier, **in descending order of importance**

Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).

Data on the potential costs and benefits of the suggested solution(s)

Assess the priority level for addressing barriers to pre-issuance and issuance due to differing or lack of data exchange standards:

- High priority
- Medium priority
- Low priority
- Don't know / no opinion / not applicable

Barrier due to market practice- Pre-issuance and issuance

	Describe the barrier due to market practice
Explanation of the barrier	<p>We advocate for a standardized data structure and clear standards from the outset of issuing digital securities to ensure efficient processes throughout the entire lifecycle of a security. This ultimately enables faster access to capital markets and increased liquidity for companies.</p> <p>The necessary technical standards should be developed in collaboration with market participants to ensure smooth interaction among all actors along the value chain.</p>
Reason(s) why it is a barrier	
Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level)	
Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant	
Operational requirements that create the barrier (national or EU level)	
Technical/technological aspect(s) related to the barrier, if relevant	
Member State(s) in which the barrier exists, if relevant	
Estimation of the costs of the barrier	

Potential solution(s) to remove or lower the barrier, in descending order of importance

Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).

A fundamental requirement for digital markets and the transition away from paper-based processes is the use of digital document formats, including legal agreements such as issuance terms. Therefore, we propose that issuance terms be mandatorily generated in a machine-readable format. These formats would facilitate data processing across the value chain and enhance legal certainty for all involved parties. To this end, we recommend introducing a mandatory requirement for machine readability.

In addition to improve processability through standardized formats, we also see the need to further harmonize the content of issuance terms. From the perspective of investor protection and transparency, it is essential to define which minimum information must be included in the issuance terms to minimize discrepancies in the information provided.

Data on the potential costs and benefits of the suggested solution(s)

Assess the priority level for addressing barriers to pre-issuance and issuance due to market practice:

- High priority
- Medium priority
- Low priority
- Don't know / no opinion / not applicable

Barrier due to differences in national requirements - Pre-issuance and issuance

	Describe the barrier due to differences in national requirements
Explanation of the barrier	Standardization of the terms and conditions is crucial, as well as an overall harmonization of the products and classes of products (e.g. via an EU ISIN code, common definitions on “Force Majeure”, standardization on what features/datapoints a “bond” needs to have, etc.) and a more harmonized EU framework for securities – or if too difficult to achieve, at least a new EU framework to standardize the elements of issuance.
Reason(s) why it is a barrier	Today, around 70% of international securities are based on UK executable law, even if the securities are traded, cleared and settled on EU market infrastructure. Therefore, EU-wide harmonized standards for legal terms and conditions would bring more legal certainty, as a security following the EU standard could be easily issued in various Member States – instead of having to follow a number of different national Member State laws. This would also help to increase more competition in the post-trade area, by advancing cross-border business realities and fostering a level playing field intra-EU. Furthermore, this would help market participants to bring down costs and to leverage the technological possibilities, as it would be easier to create smart contracts.
Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level)	
Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant	
Operational requirements that create the barrier (national or EU level)	
Technical/technological aspect(s) related to the barrier, if relevant	

Member State(s) in which the barrier exists, if relevant	
Estimation of the costs of the barrier	
<p>Potential solution(s) to remove or lower the barrier, in descending order of importance</p> <p>Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).</p>	<p>One example of more standardized rules and regulatory treatment (besides insolvency, securities and tax laws) would be in the area of digital assets, i.e. by allowing to build smart contracts on basic common definitions of a bond – independent of its location of issuance. Standardization of securities could also make other securities-related services more efficient (like securities lending or securitization for instance).</p> <p>To further enhance the visibility to investors, the issuer CSDs may, in addition to informing the holders of relevant securities as today, provide this information also to a common digital space such as ESMA's existing European Single Access Point for financial information. Such an approach would require the actors (issuer/issuer agents) to resolve the existing problem at the correct place in the custody chain and, if adopted, it would involve minimal developments down the custody chain.</p> <p>It is important to improve the current situation in which announcements are published in non-structured ways in national official journals with various providers scrubbing and adding pieces of information, which ultimately creates high costs and room for different interpretations. According to estimates, around 50% of the cost to process corporate events is spent today by custodians to source the correct information – while liability risks and costs remain high.</p>
Data on the potential costs and benefits of the suggested solution(s)	

Assess the priority level for addressing barriers to pre-issuance and issuance due to differences in national requirements:

- High priority
 - Medium priority
 - Low priority
 - Don't know / no opinion / not applicable
-

Question 10. Are there barriers relating to the settlement period of primary market operations?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 11. Are there barriers related to ISIN allocation, or relating to the length of ISIN allocation processes?

- Yes
- No
- Don't know / no opinion / not applicable

How many barriers related to ISIN allocation have you identified?

- 1 barrier
- 2 barriers
- 3 barriers

Barrier 1 - ISIN allocation

	Describe barrier 1 related to ISIN allocation
Explanation of the barrier	Currently, there is only one national numbering agency (ANNA) per country, leaving no room for market competition.
Reason(s) why it is a barrier	
Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level)	
Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant	
Operational requirements that create the barrier (national or EU level)	
Technical/technological aspect(s) related to the barrier, if relevant	
Member State(s) in which the barrier exists, if relevant	
Estimation of the costs of the barrier	
Potential solution(s) to remove or lower the barrier, in descending order of importance	

Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).

We believe this could be improved by allowing more than one numbering agency to be established in a single country, thereby enhancing competition and improving service offerings to clients.

Data on the potential costs and benefits of the suggested solution(s)

Assess the priority level for addressing barrier 1 related to ISIN allocation:

- High priority
- Medium priority
- Low priority
- Don't know / no opinion / not applicable

Could barrier 1 related to ISIN allocation be addressed through legislative changes?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain how barrier 1 related to ISIN allocation could be addressed through legislative changes:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Could barrier 2 related to ISIN allocation be addressed through legislative changes?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain how barrier 2 related to ISIN allocation could be addressed through legislative changes:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 12. Should the attribution of ISIN be further regulated, e.g. introduction of a ‘reasonable commercial basis’ clause, or the prohibition of entities active in closely linked activities (e.g. settlement-related activities) from performing tasks as national numbering agencies?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 12:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 13. Should measures be taken to create more competition in the area of ISIN attribution?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain what measures should be taken to create more competition:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Fostering competition would be appreciated.

Question 14. Are there barriers related to the lack of a harmonised approach for investor identification and classification?

- Yes
- No
- Don't know / no opinion / not applicable

Please justify your answer to question 14, in particular identifying potential risks:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 15. Are there barriers related to the lack of automation and straight-through processing along the issuance value chain?

- Yes
- No
- Don't know / no opinion / not applicable

How many barriers related to the lack of automation and straight-through processing along the issuance value chain have you identified?

- 1 barrier
- 2 barriers
- 3 barriers

Question 16. Are there barriers related to the exchange of data between the stakeholders involved in the issuance?

- Yes
- No
- Don't know / no opinion / not applicable

Question 17. Are there any other barriers related to issuance which are not mentioned above?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 18. What is your assessment of the current procedures for issuing debt or equity instrument in the EU, in particular for the first time?

- 1 - Very complex
- 2 - Rather complex
- 3 - Neutral
- 4 - Rather straightforward
- 5 - Very straightforward
- Don't know / no opinion / not applicable

Please explain the reasoning for your answer to question 18, and point to the main difficulties you might have identified, if any:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 19. In particular, what is your assessment of the level of competition in the area of underwriting, and of the level of fees for such services?

Do you perceive that they can be a significant barrier for those issuers considering issuing financial instruments (debt or equity)?

- Yes
- No
- Don't know / no opinion / not applicable

Question 20. What is the level of transparency of fees structures in the area of underwriting satisfactory?

- 1 - Very unsatisfactory
- 2 - Rather unsatisfactory
- 3 - Neutral
- 4 - Rather satisfactory
- 5 - Very satisfactory

- Don't know / no opinion / not applicable

Question 21. Would a front-to-end pan European platform as proposed by the ECB in 2019 (European Distribution of Debt Instruments (EDDI) initiative) solve the barriers and obstacles identified in the previous questions?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 21 and how should these barriers and obstacles identified be addressed:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

No, a front-end pan European platform will not contribute to solving the barriers and obstacles identified.

The ICSD-model has contributed to building a global competitive lead for Europe by offering the level of currency and liquidity flexibility required by global issuers and investors. ICSDs offer a highly automated, regulated and a low-risk issuance infrastructure in Europe by optimizing cost-efficiency and operational effectiveness. Same-day distribution of issuance to investors in other EU Member-States in Central Bank money is already possible thanks to CSDs links, facilitated by T2S.

The ECB's EDDI initiative constitutes a threat to the market, as instead of carrying the stated efficiencies, EDDI would rather increase the number of different channels, hence, not delivering the benefits of a single funding gateway for issuers and investors as the ICSDs deliver today. The EDDI initiative is not grounded in market reality as it would add complexity, fragmentation and costs and would not be effective in supporting market integration. DBG welcomes increased efficiency in the issuance of debt instruments, but the objective of a deep and liquid single market is not dependent on the implementation of EDDI-type post-trade infrastructure. Rather the EU regulatory framework should support the further development of the ICSDs as part of the European financial industry policy by addressing fiscal and legislative differences across European jurisdictions to promote harmonized processes.

In 2020, ECB's Debt Issuance Market Contact Group (DIMCG) found that key market participants, particularly national debt management offices and issuers, were not committed to the EDDI model. Market participants agreed on the benefit of using existing infrastructures and bilateral arrangements rather than migrating to a centralized distribution system. Furthermore, some stakeholders expressed concerns about giving the ECB a central operational role in market infrastructure—especially for primary markets, which traditionally fall outside central bank mandates. Market-driven issuance digitization (Clearstream's D7) and targeted regulatory harmonization continue to be the right way forward to solve barriers and obstacles connected Eurobond issuance. Private solutions are years ahead in the journey of taking market efficiency, speed and zero touch issuance to the next level. Furthermore, the financial resources required to establish the EDDI initiative would not be justified by the expected outcomes.

The ICSD infrastructure should also be leveraged for future borrowing programs, such as the proposed SAFE initiative by the EU, to ensure efficient issuance, settlement, and broad investor accessibility. ECB can benefit from the developments of private sector solutions and can even propel adaptation by helping to set

and define standards. The monitoring of the adoption of technological innovation should be a key part of working on harmonizing market practices so that the created standards remain future-proof and robust to new technological innovation and harmonization of debt issuance.

Different jurisdictions/national laws still play a role in creating barriers to issuance. EDDI would not overcome this issue. This fragmentation would be potentially resolved by the introduction of a 28th regime, which would make EDDI redundant in this context of issuance regimes and would attract investors and allow for securities to be held cross-border.

Overall, freedom of choice needs to be ensured for the issuer otherwise Europe will risk an emigration of issuers to more attractive jurisdictions like the US.

From a Digital Finance perspective, advancing the discussion around the 28th regime to implement a common EU securities law is essential. Given the divergent approaches and definitions of dematerialized and digital securities across Member States, cross-border utilization of new technologies becomes significantly more complex, time-consuming, and resource-intensive than issuing securities in physical form.

Question 22. Are you satisfied with the current level of digitalisation of the bookbuilding process?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to questions 22:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

We see a recent increase in interest in Commercial Papers in the EU – more interest due to the rising interest rate environment; uncertainty in companies increases the need for such CP (short-term liquidity) and also a secondary market. CP mainly not issued via CSDs – strong OTC driven and direct placement – buy and hold mostly due to short-term duration (CP duration below 365 days). Financial need (short-term) – issuer contacts the agent and the CP is sold to their broker dealer network

- Legal documents (legal pre-issuance process/origination process) set-up of CP needs 5 days
- Clearstream is very active on this topic in order to increase the efficiency of markets
- We will offer an API-based digital solution on the D7 platform intraday issuance as well as an auto life cycle management of the CP – benefit for the market/corporates to get access to short-term (intraday) liquidity cash flow needs – optimization for treasury functions
- D7 is in preparation of a secondary market for EU CPs in tokenized form
- CSDs have already a digital platform, however the pre-issuance process and the legally necessary documents are still not harmonized and not in “machine-readable formats” – we would support a development of “standardized EU CP master agreement”, ideally as a “28th Regime”. Currently we need a legal opinion for every CPs in each jurisdiction
- For the whole value-chain/every intermediary separate/additional legal opinions are required for any CP in every jurisdiction
- As there is no common EU regulation – thus no “passporting” for the terms and conditions (e.g. no same insolvency laws) is possible, making the process burdensome

Question 23. Do you believe that the DLTPR limit on the value of financial instruments traded or recorded by a DLT market infrastructure should be increased?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 24. Do you believe that the scope of assets eligible within the DLTPR should be extended?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 25. Do you believe that the DLTPR should be extended to cover other types of systems, such as clearing systems?

- Yes
- No
- Don't know / no opinion / not applicable

Question 25.1. Please provide details on the preferred changes to the DLTPR and explain your reasoning (how limits should be increased, which concrete assets should be eligible and why):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 25.2. Please provide a ranking of the importance of the issue:

- High priority
- Medium priority
- Low priority
- Don't know / no opinion / not applicable

Question 25.3. Please provide an estimation of the benefits and risks that result implementing the changes to the DLTPR that you propose.

For example, if you suggest extending the scope of instruments, or increasing the threshold, you are encouraged to estimate how much additional financial activity would the DLTPR attract, and opine on the associated risks:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

4.4. Innovation – DLT Pilot Regime (DLTPR) and asset tokenisation

Question 26. Should the DLT trading and settlement system (DLT TSS), allowing for trading and settlement activities within a single entity, become embedded into the regular framework (CSDR, MIFID)?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 26, noting in particular the risks and the benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please see our response to the question 27, chapter 4.4.

Question 27. What other changes to the DLTPR are needed to ensure that it remains a framework that is fit for the purpose of allowing new entrants and established financial companies to deploy pioneering innovation with DLT in the EU, while also ensuring appropriate risk mitigation?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

We support the European Commission's efforts to modernize financial regulation and foster digital financial markets across the EU. Facilitating the adoption of innovative technologies such as DLT is essential to enhance efficiency, enable new business models, and ensure the EU remains globally competitive. We also endorse the use of DLT across the full value chain of financial services.

To achieve the goals of the DLTPR, we agree that the regime itself must be improved. Beyond raising thresholds and expanding eligible instruments, one of the most critical elements is providing legal and economic certainty for participants, especially regarding the transition out of the pilot regime. Firms investing in infrastructure need predictable regulatory pathways to justify their commitments.

This is particularly relevant for entities operating under exemptions from CSDR and MiFID II or plan to do so. These firms require clarity on when and how they must comply with the broader regulatory frameworks. A well-defined graduation path into regimes like CSDR and MiFID II, as referenced in Q28 (Chapter 4.4), is essential.

Moreover, incentives are needed to encourage firms to exit the DLTPR and become fully regulated under CSDR. Currently, some services, such as (DLT-based) TSS, would no longer be viable post-pilot. Therefore, CSDR must evolve to become more attractive and innovation-friendly, enabling both new entrants and existing CSDR-regulated entities to leverage new technology more effectively. To support this, we propose the following:

1. Integration of TSS into CSDR and MiFID II

Allowing TSS within these frameworks would demonstrate a strong commitment to innovation and enable DLTPR graduates to continue operations. CSDs meeting equivalent standards should hereby be permitted to act as TSSs without requiring additional MiFID II licenses. Removing volume restrictions on DLT-based trading and DLT financial instruments would also enhance market liquidity.

2. Technological neutrality and a level playing field

CSDR should explicitly support both centralized and decentralized technologies, including public qualified blockchains. This ensures fair competition, fosters innovation, and allows CSDs to select the most suitable technology for their services. These capabilities should extend to the beneficial owner level, enabling retail access to DLT benefits.

3. Authorization-free ancillary IT services

CSDs should be allowed to offer ancillary services, such as data analytics or blockchain infrastructure, without needing separate authorizations. This would empower them to innovate and deliver broader value to clients, strengthening the overall ecosystem.

4. CSDR alignment with MiCA

CSDR should be updated to allow CSDs to issue MiCA-compliant instruments, including asset-referenced tokens (ARTs) and stablecoins and offer further MiCA services. This would align CSDR with the EU's broader crypto-asset framework and enable CSDs to play a central role in the digital asset economy.

5. Digital settlement asset flexibility

CSDs should be permitted to use a wider range of digital settlement assets, including fiat, crypto-assets, ARTs, EMTs, and wholesale CBDCs, for internal settlement. Enhancing settlement systems to support these assets and enable DvP in digital formats would significantly improve efficiency and flexibility.

These changes would make CSDR more digitally capable and attractive, facilitating a smoother transition for DLTPR participants and promoting deeper integration within EU financial markets.

Finally, CCPs should not be omitted in the discussion around DLT adoption by EU market infrastructure.

DLT may prove particularly useful in regard to collateral management by enabling near-time collateral transfers. This capability would allow CCPs to manage liquidity even more efficiently, ensuring that collateral

is available precisely and only where and when it is needed. To allow CCPs to accept DLT-based collateral, such as wCBDC, tokenized financial instruments and MiCA instruments, targeted changes of RTS 153/2013 EMIR are necessary.

However, while we support a more innovation-friendly regulatory environment, we caution against a purely principle-based approach for the DLTPR (see Q30, Chapter 4.4), as it would hinder predictability and complicate graduation.

We also believe that reasonable thresholds should remain within the DLTPR and express strong reservations about a per-service authorization model under CSDR (see Q76, Chapter 3.2.1). The high standards established post-financial crisis must be preserved to ensure risk mitigation, transparency, and market integrity.

In conclusion, we advocate for a balanced approach: enhancing the DLTPR and aligning it more closely with existing frameworks, while simultaneously modernizing CSDR to welcome and support DLTPR graduates.

Question 28. What type of below-specified changes to the DLTPR would improve business certainty and planning for businesses that are considering to join the DLTPR?

	1 (not important)	2 (rather not important)	3 (neutral)	4 (rather important)	5 (very important)	Don't know - No opinion - Not applicable
a) remove the references in the DLTPR to the limited duration of licenses	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) size-proportional requirements within the DLTPR, whereby the greater the size of the business of the DLTPR participant (e.g. measured in terms of volume of transactions traded/settled), the greater the compliance obligations	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) clearer regulatory pathways to 'graduate' into the 'regular' CSDR framework	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
d) other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please specify to what other set(s) of changes you refer in your answer to question 28:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please see our response to the question 27, chapter 4.4.

Please explain your answer to question 28, indicating, where possible, examples from other jurisdictions that can serve as a model:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 29. Does the DLTPR create a sufficiently clear and flexible framework for the use of EMTs as a settlement asset, bearing in mind the overarching need to ensure high level of safety for cash settlement in DLT market infrastructures?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 29:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 30. Do you think that in addition to, or instead of the current derogations-based approach (allowing switching off of certain MIFID and CSDR provisions), the DLTPR should take a principles-based approach whereby high-level provisions govern trading and settlement services, with the purported aim of creating more flexibility for deploying innovative DLT-based projects?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 30:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 30.1 What would be the advantages and disadvantages of such an approach and how can the disadvantages be mitigated?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please see our answer to question 27. of chapter 4.4.

Question 30.2 Please provide examples of principles-based standards or regulation (EU or non-EU), in the financial or non-financial domain, that may serve as a useful model or inspiration for a principles-based DLTPR, and why you think these examples are insightful:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 31. Do you believe that DLT is a useful technology to support trading services in financial instruments?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 31:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Discussions around the benefits of DLT in the trading space often focuses on the ability to have near-instantaneous settlement. However, it should be noted that near-instantaneous settlement is not necessarily desirable, as it would require prefunding which in turn may create liquidity challenges. In addition, it would mean that services currently offered by CCPs such as netting trades would not be possible, creating market inefficiencies and operational strains due to the increase of actual required settlements.

Nevertheless, while overall near instantaneous settlement on DLT basis might not be desirable in the trading context, it does have the potential to further increase the efficiency of CCP margining processes by enabling real-time transfers and asset optimization. Consequently, with the implementation of a DLT-based margining process, a CCP could respond more swiftly to market changes, thereby enhancing its ability to maintain market stability and mitigate risks.

To enable CCPs to accept DLT collateral, regulatory changes and clarifications are needed. These should focus on:

- clarifying by amendment of art. 38 RTS 153/2013 that wholesale Central Bank Digital Currency should be treated as cash.
- defining conditions in RTS 153/2013 under which MiCA instruments may be accepted as collateral.

This requires an amendment of Art. 39 plus the addition of conditions applicable to MiCA instruments in Annex 1.

CCPs should already be able to accept tokenized financial instruments, as the definition of financial instruments in MiFID is technology-agnostic. However, it would be beneficial to include a definition of financial instruments referring to the MiFID definition in Art. 2 EMIR.

Question 32. Do you believe there are regulatory barriers beyond those addressed by the DLTPR that may hinder or prevent DLT-based provision of trading services in financial instruments?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 33. For a financial entity using DLT to deploy its services, the distributed ledger is often an external platform on which services are run, and this platform may have a very distributed governance structure.

What are the benefits and risks of deploying financial services, including post-trading services, on distributed ledgers external to the financial service provider, and therefore outside its direct control?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Benefits:

The main benefit is the network effect – as if many market participants are connected and show up there it is very easy and convenient to provide and/or consume services (e.g. conclusion and settlement of financial transactions) on such a network. Another aspect is cost, as it is assumed cheaper to make use of a public infrastructure (used and run by many) compared to a network which you set up and maintain on your own.

Risks:

The main risk is the missing control over the network e.g. in terms of system availability/performance or the writing of transactions. Also, in case of permissionless networks the anonymity of participants, in particular of validators may cause compliance issues (sanctions, fraud).

Question 34. How should the regulatory perimeter between a technological service provider and a financial service provider, especially a CSD, be drawn in the above described DLT context?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

In our view, the regulatory perimeter between a technological service provider (TSP) and a financial service provider, particularly a CSD, should be clearly delineated based on the nature of responsibilities, regulatory obligations/obtained licenses, and the role each plays in ensuring market integrity.

While a TSP may offer critical infrastructure or technological capabilities (e.g. DLT platforms, smart contract execution, or data services), it does not assume the same level of regulatory accountability or systemic responsibility as a CSD. A CSD is not merely a service provider, it is a systemically important financial market infrastructure – thus licensed under the CSDR that is entrusted with safeguarding the integrity and stability of the financial system.

The key differentiator lies in the CSD's role as a guarantor of fulfillment and continuity. CSDs are subject to stringent regulatory oversight precisely because they are responsible for ensuring the finality of settlement, the safekeeping of securities, and the orderly functioning of post-trade processes. This includes managing counterparty and operational risks, ensuring compliance with investor protection standards, and maintaining robust governance and risk management frameworks.

In contrast, TSPs, while essential enablers of innovation, do not bear the same level of trust or systemic responsibilities. Their services, though critical, are modular and substitutable, and they typically do not carry obligations related to the legal finality of transactions or the continuity of market operations in times of stress.

Therefore, the regulatory perimeter should be drawn based on:

1. Systemic responsibility – CSDs are integral to financial stability and must meet higher regulatory standards.
2. Legal accountability – CSDs guarantee the fulfillment of transactions and the safekeeping of assets, unlike TSPs.
3. Risk exposure – CSDs manage and mitigate financial and operational risks that TSPs are not exposed to in the same way.
4. Market integrity – CSDs uphold the trust and transparency of financial markets, which requires a distinct regulatory framework.
5. Supervised entity – under the CSDR.

This distinction is particularly important in the DLT context, where the lines between technology and financial services may blur. The core responsibilities of a CSD, ensuring trust, continuity, and legal certainty, remain indispensable and must be preserved through a clear and robust regulatory perimeter, which in itself must also be open enough for CSDs to make use of new technologies like DLT (see Q 27 Chapter 4.4). Therefore we request a “modernization of CSDR” (see Q 27 Chapter 4.4).

Question 35. The Commission recently published a [study on the use of permissionless blockchains for enhancing financial services](#), which set out operational robustness criteria for assessing permissionless blockchains.

Do you believe that beyond the [Digital Operational Resilience Act \(DORA\)](#), additional legislative or non-legislative action is needed to ensure appropriate mitigation of risk stemming from decentralised IT systems such as permissionless blockchains?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 35:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 36. Basel prudential standards on crypto exposures applicable to credit institutions assign group 2 status to tokenised assets, including tokenised financial instruments, that are issued and recorded on permissionless distributed ledgers. The transitional prudential treatment of exposures to tokenised assets in the Capital Requirements Regulation currently applicable does not make a distinction based on the type of underlying distributed ledger.

Do you believe that prudential rules should differentiate between permissioned and permissionless distributed ledgers?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 36:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Within permissioned ledgers the operator of a service has control over his products/services and acts as a gatekeeper to allow access for others to access his products/services. This strongly reduces the risk of theft or loss of such assets and should be reflected accordingly in the Basel prudential standards on crypto exposures.

Question 37. Do you believe that risks from permissionless blockchains, in particular operational risks and other risks set out in the BIS Working paper on novel risks, mitigants and uncertainties with permissionless distributed ledger technologies, can be mitigated?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 37:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

We recognize that DLT/blockchain – from a technological perspective – is still in a developing phase. Certain shortfalls which need to be overcome for the permanent use in established institutional businesses is understood by the industry and the work on respective solutions is already underway.

Question 38. Asset tokenisation concerns the use of new technologies, such as distributed ledger technology (DLT), to issue or represent assets in digital forms known as tokens.

Where do you see most barriers to asset tokenisation in Europe?

	1 (not important)	2 (rather not important)	3 (neutral)	4 (rather important)	5 (very important)	Don't know - No opinion - Not applicable
a) Member State securities and corporate law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b) Member State laws other than securities and corporate law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) EU laws that relate to trading and post-trading	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
d) EU laws other than laws that relate to trading and post-trading	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 38, pointing to concrete examples in areas beyond the SFD, FCD and CSDR:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Key Barriers to Asset Tokenization in Europe (Beyond SFD, FCD, and CSDR)

1. Fragmented Regulatory Interpretation Across Member States

Despite EU-level initiatives like MiCA and the DLT Pilot Regime, national regulators interpret and apply tokenization rules inconsistently. This creates legal uncertainty for cross-border issuance and servicing of tokenized assets. For example, some jurisdictions require full prospectus disclosures for tokenized instruments, while others treat them as digital representations of existing securities—leading to divergent compliance burdens.

2. Lack of Harmonized Tax and Corporate Law Treatment

Tokenized assets often face inconsistent tax reporting obligations, withholding tax treatments, and legal recognition of digital ownership structures. This is particularly problematic for funds and structured products. In markets like Italy and Spain, tokenized fund units must still comply with legacy tax and investor reporting frameworks, undermining the efficiency gains of DLT.

3. Operational and Infrastructure Gaps

There is no unified EU-wide infrastructure for onboarding, settlement, and custody of tokenized assets. This limits scalability and increases reliance on bespoke, bilateral integrations. Clearstream and FundsDLT have highlighted the need for interoperable, hybrid models that bridge traditional and DLT-based systems—especially for fund distribution and post-trade services.

4. Unclear Prudential and Risk Treatment

Tokenized assets—especially those issued on permissionless ledgers—are subject to conservative prudential treatment (e.g., Basel Group 2 classification), regardless of their actual risk profile or governance model.

This discourages institutional adoption and limits the use of tokenized instruments as collateral or in regulated portfolios.

5. Limited Standardization and Interoperability

The absence of common technical standards (e.g., for smart contract templates, token formats, or DLT messaging) hinders integration with existing financial infrastructure and slows adoption.

Industry groups like AFME have called for MiCA-like harmonization to address these gaps and support scalable tokenization frameworks.

6. Investor Protection and Market Integrity Concerns

Retail access to tokenized assets remains limited due to concerns around transparency, custody, and dispute resolution. Regulators are cautious about enabling broad distribution without robust safeguards.

The European Commission's recent consultation emphasizes the need to balance innovation with investor protection, particularly in retail-heavy markets.

Question 39. Should public policy intervene to support interoperability between non-DLT systems and DLT systems?

Yes

- No
- Don't know / no opinion / not applicable

Please explain your answer to question 39:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 40. Should public policy intervene to support interoperability between distributed ledgers?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 40:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

It should be left to the private sector to get this organized.

Question 41. Lack of standardisation acts as a hindrance to interoperability. This is especially the case with a relatively new technology such as DLT.

Where is the greatest need for standardisation in the area of DLT?

	1 (not important)	2 (rather not important)	3 (neutral)	4 (rather important)	5 (very important)	Don't know - No opinion - Not applicable
a) Business standards applicable to digital assets (for example data taxonomy to describe digital assets)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b) Technical standards applicable to digital assets and smart contract-based applications	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
c) Technical standards applicable to links (bridges) between DLTs	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 41:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The standardization of the description of digital assets (within the various asset classes), their features and behavior and likewise the technological way of how to represent this e.g. on a DLT is key to make this a broad market movement. Not getting over this would add significant cost over time and might be detrimental for wide acceptance.

Key Areas Where standardization is most needed

1. Semantic Data Standards

There is a critical need for common definitions and data models to ensure that all participants—issuers, investors, regulators—interpret tokenized asset data consistently across platforms. The European Commission’s Rolling Plan for ICT Standardization (RP2025) highlights the lack of semantic standards as a major barrier to interoperability between DLT systems.

This is echoed in internal initiatives like Clearstream’s D7 and FundsDLT, which emphasize the need for harmonized metadata and smart contract templates to support cross-platform issuance and lifecycle management.

2. Cross-Ledger Interoperability Protocols

Standard APIs and messaging protocols are needed to enable secure, real-time communication between different DLTs and between DLT and non-DLT systems. Clearstream’s roadmap includes integration of D7 with legacy systems and external trading venues, which depends on standardized interfaces and token bridges. FundsDLT’s architecture also anticipates multi-chain compatibility, requiring common standards for asset representation, transaction validation, and identity management.

3. Smart Contract Governance and Auditability

Standardization is needed for how smart contracts are written, verified, and governed—especially in regulated environments. This includes versioning, upgradeability, and audit trails to ensure compliance with financial regulations and supervisory access. We stress the importance of aligning smart contract logic with legal enforceability and operational resilience.

4. Digital Identity and Access Control

DLT systems require interoperable identity frameworks to manage access, permissions, and compliance (e.g., KYC/AML). The European Blockchain Services Infrastructure (EBSI) and eIDAS 2.0 are working toward this, but further alignment is needed with financial market infrastructures.

5. Legal and Regulatory Harmonization

Standardization must extend beyond technology to legal definitions of digital assets, custody models, and settlement finality. The lack of harmonized treatment across Member States creates uncertainty for cross-border token issuance and servicing.

Question 42. Given how you foresee DLT-based financial market infrastructure to develop, what do you think is the best way of providing interoperability between distributed ledgers?

	1 (not important)	2 (rather not important)	3 (neutral)	4 (rather important)	5 (very important)	Don't know - No opinion - Not applicable
a) regulated financial entities, such as a CSD, that are present on multiple ledgers, acting as a distributed ledger hub for clients	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b) pure technology companies that focus on sending messages securely across distributed ledgers for clients that are regulated financial companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) regulated financial entities that focus on sending messages securely across distributed ledgers for clients that are regulated financial companies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
d) some other model	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 42:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

We support a layered, standards-based approach to connectivity that balances innovation with operational and regulatory integrity. The goal is to enable seamless asset and data exchange across DLT platforms while preserving control, auditability, and compliance.

Key Components of an Effective Interoperability/Connectivity Model

1. API-Driven Middleware Layer

FundsDLT already uses APIs to connect its permissioned Ethereum-based ledger with external fund distributors and service providers. This model can be extended to support cross-ledger communication by:

Standardizing API schemas and message formats (e.g., ISO 20022 extensions),

Using adapters to translate between ledger-specific protocols.

This approach is cost-efficient, modular, and compatible with existing infrastructure.

2. Cross-Chain Messaging Protocols

Protocols like Interledger, Polkadot's XCM, and Cosmos' IBC offer technical blueprints for secure, atomic data and asset transfers between ledgers. These can be adapted for permissioned environments by:

Embedding governance and compliance checks at the messaging layer,

Using smart contracts to enforce settlement conditions across chains.

3. Shared Governance and Legal Frameworks

Interoperability is not just technical—it requires legal and operational alignment. Clearstream supports the idea of a federated governance model, where each DLT participant retains control over its node and data, but agrees to common standards for:

- Identity management,
- Transaction validation,
- Dispute resolution.

This aligns with ECB proposals for a “constellation of interoperable ledgers” where CSDs, banks, and asset managers operate on shared rails while maintaining functional autonomy.

4. Token Standards and Semantic Harmonization

To ensure that tokenized assets are understood and processed consistently across ledgers, there is a need for:

Common token taxonomies (e.g., ERC-1400 for security tokens),

Shared metadata standards for asset attributes, rights, and lifecycle events.

This is especially important for hybrid models like Clearstream's D7, which bridges traditional and tokenized securities.

Reference Models

ECB's Vision: A unified or interoperable DLT ecosystem where financial institutions provide services directly on shared infrastructure.

OECD & GFMA Reports: Emphasize the need for cross-ledger standards, legal clarity, and supervisory access to mitigate fragmentation and systemic risk.

HSBC & ING: Advocate for hybrid models combining permissioned and permissionless ledgers, with interoperability achieved through middleware and governance overlays.

Lastly, market participants are used today to 'drop' their (DvP) instructions with a regulated financial entity which under its Terms & Conditions provide reliable and safe services for settlement of such transactions. From our perspective it remains key to continue those services also in 'another' technical environment (i.e. distributed ledger). It still leaves the option for 'sophisticated' market participants to perform certain activities on their own and use pure technical tools (e.g. HTLC) for their operations.

5. Asset management and funds

Despite the [Directive 2009/65/EU relating to undertakings for collective investment in transferrable securities \(UCITSD\)](#) and the [Directive 2011/61/EU on alternative investment fund managers \(AIFMD\)](#) enabling funds to be marketed across the EU through a relatively simple notification procedure, national barriers, divergent practices, and regulatory complexities often impede efficient and scalable operations, thereby impacting costs and accessibility for EU citizens.

This section seeks to:

- i. identify obstacles experienced by EU funds and asset managers to accessing the single market
- ii. gather stakeholder insights on barriers and experiences in managing cross-border investment funds
- iii. explore the effectiveness of existing authorisation and passport systems
- iv. and explore possibilities for simplifying current requirements

Stakeholders input on operational challenges, passporting/marketing of investment funds, national supervisory practices and other barriers more generally are welcome. Stakeholders are encouraged to share quantitative data and practical evidence to support positions.

5.1. Operations of asset managers

The responses in this section on “operation of asset managers” will be treated confidentially.

Question 1. for UCITS: What is your total amount of assets under management (AuM) in respect of UCITS funds?

In EUR millions:

- Less than or equal to 100
- 100 to 500
- 500 to 1000
- 1000 to 5000
- 5000 to 20 000
- 20 000 to 50 000
- Over 100 billion
- Don't know / no opinion / not applicable

Question 1. for AIFs What is your total amount of assets under management (AuM) in respect of alternative investment funds (AIFs)?

In EUR millions:

- Less than or equal to 100
 - 100 to 500
 - 500 to 1000
 - 1000 to 5000
 - 5000 to 20 000
 - 20 000 to 50 000
 - Over 100 billion
 - Don't know / no opinion / not applicable
-

Question 2. What is your total number of funds managed in the EU?

	UCITS	EU AIFs
Total number of funds managed in the EU		

Question 3. for UCITS: In how many Member States do you provide the functions listed in Annex II of UCITSD?

 Member States

Question 3.1. for UCITS: In which Member States do you provide the functions listed in Annex II of UCITSD?

- Austria
- Estonia
- Italy
- Portugal
- Belgium
- Finland
- Latvia
- Romania
- Bulgaria
- France
- Lithuania
- Slovak Republic
- Croatia
- Germany
- Luxembourg
- Slovenia
- Cyprus
- Greece
- Malta
- Spain
- Czechia
- Hungary
- Netherlands
- Sweden
- Denmark
- Ireland
- Poland

Question 3.2. for UCITS: Please provide examples of functions your provide and in which Member States:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 3. for AIFs: In how many Member States do you provide the functions listed in Annex I of AIFMD?

 Member States

Question 3.1. for AIFs: In which Member States do you provide the functions listed in Annex I of AIFMD?

- Austria
- Estonia
- Italy
- Portugal
- Belgium
- Finland
- Latvia
- Romania
- Bulgaria
- France
- Lithuania
- Slovak Republic
- Croatia
- Germany
- Luxembourg
- Slovenia

- Cyprus Greece Malta Spain
- Czechia Hungary Netherlands Sweden
- Denmark Ireland Poland

Question 3.2. for AIFs: Please provide examples of functions your provide and in which Member States:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 4. In what Member States are you authorised as an asset manager?

- Austria Estonia Italy Portugal
- Belgium Finland Latvia Romania
- Bulgaria France Lithuania Slovak Republic
- Croatia Germany Luxembourg Slovenia
- Cyprus Greece Malta Spain
- Czechia Hungary Netherlands Sweden
- Denmark Ireland Poland

Question 5. for UCITS: In how many Member States do you have branches?

 Member States

Question 5.1. for UCITS: In which Member States do you have branches?

- Austria Estonia Italy Portugal
- Belgium Finland Latvia Romania
- Bulgaria France Lithuania Slovak Republic
- Croatia Germany Luxembourg Slovenia
- Cyprus Greece Malta Spain
- Czechia Hungary Netherlands Sweden

Denmark Ireland Poland

Question 5.2. for UCITS: Please provide examples of functions covered by these branches:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 5. for AIFs: In how many Member States do you have branches?

Member States

Question 5.1. for AIFs: In which Member States do you have branches?

- | | | | |
|-----------------------------------|----------------------------------|--------------------------------------|------------------------------------------|
| <input type="checkbox"/> Austria | <input type="checkbox"/> Estonia | <input type="checkbox"/> Italy | <input type="checkbox"/> Portugal |
| <input type="checkbox"/> Belgium | <input type="checkbox"/> Finland | <input type="checkbox"/> Latvia | <input type="checkbox"/> Romania |
| <input type="checkbox"/> Bulgaria | <input type="checkbox"/> France | <input type="checkbox"/> Lithuania | <input type="checkbox"/> Slovak Republic |
| <input type="checkbox"/> Croatia | <input type="checkbox"/> Germany | <input type="checkbox"/> Luxembourg | <input type="checkbox"/> Slovenia |
| <input type="checkbox"/> Cyprus | <input type="checkbox"/> Greece | <input type="checkbox"/> Malta | <input type="checkbox"/> Spain |
| <input type="checkbox"/> Czechia | <input type="checkbox"/> Hungary | <input type="checkbox"/> Netherlands | <input type="checkbox"/> Sweden |
| <input type="checkbox"/> Denmark | <input type="checkbox"/> Ireland | <input type="checkbox"/> Poland | |

Question 5.2. for AIFs: Please provide examples of functions covered by these branches:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 6. for UCITS: In how many Member States do you have authorised subsidiaries?

 Member States

Question 6.1. for UCITS: In which Member States do you have authorised subsidiaries?

- Austria Estonia Italy Portugal
- Belgium Finland Latvia Romania
- Bulgaria France Lithuania Slovak Republic
- Croatia Germany Luxembourg Slovenia
- Cyprus Greece Malta Spain
- Czechia Hungary Netherlands Sweden
- Denmark Ireland Poland

Question 6.2. for UCITS: Please provide examples of key activities carried out by these subsidiaries:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 6. for AIFs: In how many Member States do you have authorised subsidiaries?

 Member States

Question 6.1. for AIFs: In which Member States do you have authorised subsidiaries?

- Austria Estonia Italy Portugal
- Belgium Finland Latvia Romania
- Bulgaria France Lithuania Slovak Republic

- Croatia Germany Luxembourg Slovenia
 Cyprus Greece Malta Spain
 Czechia Hungary Netherlands Sweden
 Denmark Ireland Poland

Question 6.2. for AIFs: Please provide examples of key activities carried out by these subsidiaries:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 7. Do entities with your group have to maintain the same functions across different EU entities, for instance because these entities are supervised on a standalone basis, for commercial or other reasons?

- Yes
 No
 Don't know / no opinion / not applicable

Question 8. Do you use the UCITS passport to market your UCITS funds in EU Member States other than the UCITS home Member State?

- Yes
 No
 Don't know / no opinion / not applicable

Question 9. Do you use the AIFMD passport to market your EU AIFs in other EU Member States?

- Yes
 No

Don't know / no opinion / not applicable

Question 10. Do you have to create different AIFs, or compartment of AIFs to be marketed in different Member States?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 11. What is the percentage (estimate) of your total AuM and percentage of total number of both UCITS funds and AIFs that have been notified to be marketed in at least one other Member State?

a) percentage (estimate) of your total AuM

%

b) percentage of total number of both UCITS funds and AIFs

%

Question 12. Please provide other information you consider relevant to describe your EU cross-border organisation and functions:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

5.2. Authorisation Procedures

5.2.1. Authorisation of Management Companies (UCITS and AIFMD)

Question 13. Are the current authorisation / supervisory approval processes for management companies under AIFMD/UCITSD sufficiently clear and comprehensive to enable the smooth provision of asset management and supervision thereof?

- Yes
- No

- Don't know / no opinion / not applicable

Please explain your answer to question 13:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

While the current framework provides a comprehensive legal basis for the authorization and supervision of management companies, several practical challenges limit its effectiveness in enabling the smooth provision of asset management services and consistent supervisory oversight across the EU.

Key Challenges Identified

- **Duplication and Fragmentation:** The authorization process often involves duplicative assessments, particularly for firms operating across multiple Member States. This includes repeated reviews of service providers, depositaries, and internal control functions, even when these are shared across group entities.
- **Supervisory Divergence:** There is a lack of convergence in supervisory practices among national competent authorities (NCAs), leading to inconsistent expectations and legal uncertainty for cross-border firms.
- **Underutilization of the Management Company Passport:** Despite its availability, the UCITS management company passport is rarely used in practice. Legal and operational barriers in host jurisdictions—such as additional local requirements—discourage firms from leveraging this mechanism.
- **Complexity in Group Structures:** The framework does not sufficiently accommodate group-level efficiencies. Firms managing multiple entities across jurisdictions face fragmented oversight and redundant supervisory interactions.

Question 14. Is the authorisation process proportionate in circumstances where not all requirements are relevant to the activity envisaged by the applicant?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 14 and specify the relevant circumstances and related requirements:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

While the current framework provides a robust structure for ensuring investor protection and market integrity, the authorization process is not always proportionate—particularly in cases where certain requirements are not relevant to the specific activities envisaged by the applicant.

Key Challenges Identified

- **Uniform Application of Requirements:** The authorization process often applies a full set of obligations regardless of the applicant's size, complexity, or business model. This results in disproportionate burdens for:
 - o Sub-threshold AIFMs,
 - o Firms seeking authorization for a limited scope of services (e.g. portfolio management only),
 - o Entities that outsource or delegate key functions but are still required to demonstrate full internal

capabilities.

- o Duplication in Group Structures: Management companies that are part of larger financial groups are frequently subject to redundant assessments of IT systems, governance frameworks, and service providers — despite these being already reviewed at the group level.
- Inconsistent Supervisory Practices: Divergent interpretations and expectations among national competent authorities (NCAs) lead to legal uncertainty and delays, particularly for cross-border applicants.
- Relevant Circumstances and Disproportionate Requirements.
- Narrow service scope.
- Full organizational and risk management obligations.
- Use of group infrastructure.
- Local reassessment of shared systems and controls.
- Sub-threshold AIFMs.
- Application of full-scope AIFMD requirements.
- Cross-border operations.
- Repetition of due diligence across jurisdictions.

Question 15. Does the current authorisation process for management companies under UCITSD/AIFMD act as a barrier to the functioning of the single market?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain the main barriers, which may encompass EU law, national law, requirements imposed by national competent authorities (NCAs), and operations such as technology and communication channels:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Key Barriers Identified:

- **Fragmented Supervisory Practices:** Divergent interpretations and implementation of authorization requirements by national competent authorities (NCAs) result in inconsistent treatment of similar applications across Member States. This undermines legal certainty and delays market entry for cross-border firms.
- **Duplication in Group Structures:** Management companies operating within financial groups are often subject to redundant assessments of shared infrastructure, governance, and service providers—even when these have already been reviewed and authorized at the group level.
- **Underutilization of the Management Company Passport:** Despite its availability, the UCITS management company passport is rarely used in practice. This is due to additional local requirements imposed by host Member States, which dilute the benefits of the passport and discourage cross-border expansion.
- **Operational Inefficiencies:** The absence of a unified digital interface for submitting and tracking authorization applications leads to fragmented communication and increased administrative burden.
- **Regulatory Overlap:** Applicants must navigate overlapping requirements under EU law, national law, and NCA-specific guidelines. This includes duplicative documentation, inconsistent timelines, and varying interpretations of key regulatory concepts such as delegation and outsourcing.

Question 16. Are the current authorisation processes / supervision for management companies under AIFMD/UCITSD applied in a consistent way across Member States?

- Yes
- No
- Don't know / no opinion / not applicable

Please present these divergences and explain if these divergences created challenges for operating in the single market:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Despite the existence of common EU-level rules, national competent authorities (NCAs) apply divergent interpretations and supervisory practices. These include:

- Inconsistent application of delegation and outsourcing rules, with some NCAs requiring more detailed documentation or imposing stricter substance requirements than others.
- Varying timelines and procedural steps for authorization, leading to uncertainty and delays for cross-border applicants.
- Different expectations for governance and internal control frameworks, even for firms with similar risk profiles and business models.
- Duplication in Group Structures:
 - o Management companies that are part of larger financial groups often face redundant assessments of shared infrastructure, IT systems, and service providers. These duplications persist even when such elements have already been reviewed and authorized at the group level, resulting in inefficiencies and unnecessary costs.
- Underutilization of the Management Company Passport:
 - o Although the UCITS management company passport is legally available, its practical use is limited. Host Member States frequently impose additional local requirements—such as the appointment of local representatives or duplicative reporting obligations—which undermine the passport's effectiveness and discourage cross-border expansion.
- Operational and Technological Barriers:
 - o The absence of a unified EU-wide digital interface for submitting and tracking authorization applications leads to fragmented communication, inconsistent formats, and increased administrative burden for applicants operating across multiple jurisdictions.
- Impact on the Single Market - these divergences hinder the integration and efficiency of EU capital markets by:
 - o Increasing compliance costs and legal uncertainty for cross-border firms,
 - o Slowing down market entry and innovation,
 - o Preventing firms from achieving economies of scale,
 - o Undermining investor access to a broader range of products and services.

Question 17. Are you supportive of further harmonising and streamlining authorisation requirements and procedures for management companies to increase simplification and reduce fragmentation in the EU's asset management sector?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain how this should be done and provide a ranking having regard to the impact of proposed solutions as high, medium or low priority:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Recommended Measures and Priority Ranking

Single Digital Gateway

- Develop an EU-wide digital platform for submitting, tracking, and managing authorization applications and supervisory communications.
- High

Modular Authorization Framework

- Introduce a modular approach to authorization that tailors requirements to the applicant's size, complexity, and intended activities.
- High

Group-Level Recognition

- Allow NCAs to rely on prior assessments of shared infrastructure and service providers within financial groups to avoid duplication.
- Medium

Clarification of Passporting Rules

- Remove national gold-plating and clarify host state obligations to promote broader use of the UCITS management company passport.
- Medium

Delegated Acts for Technical Adjustments

- Enable the Commission to update technical authorization requirements via delegated acts to ensure flexibility and responsiveness.
- Low

5.2.2. Authorisation of Investment Funds (UCITS)

Question 18. Is the current authorisation framework for UCITS effective and proportionate?

- Yes

- No
- Don't know / no opinion / not applicable

Please explain your answer to question 18:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The UCITS framework has been instrumental in enabling cross-border fund distribution and investor protection. However, its effectiveness is undermined by:

- Divergent supervisory practices across Member States, particularly in the interpretation of delegation, outsourcing, and substance requirements;
- Redundant assessments of group-level infrastructure and service providers, even when these have already been authorized elsewhere within the same financial group;
- Limited use of the management company passport, due to additional local requirements imposed by host Member States, which dilute the benefits of the single market.
- These inconsistencies create legal uncertainty, delay market entry, and increase compliance costs for cross-border operators.
- Proportionality: Inadequate for Diverse Business Models
- The current framework applies a uniform set of requirements to all applicants, regardless of their size, complexity, or intended activities. This results in:
 - Disproportionate burdens on firms seeking authorization for a narrow scope of services (e.g. portfolio management only);
 - Lack of flexibility for sub-threshold or low-risk entities;
 - No modular or risk-based authorization pathway to accommodate different business models or operational structures.

Question 19. Is the authorisation framework for UCITS sufficiently proportionate in circumstances where not all requirements are relevant to the operations of a fund?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 19, specifying the relevant circumstances and related requirements:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

No, the current UCITS authorization framework is not always sufficiently proportionate—particularly in cases where certain regulatory requirements are not relevant to the specific operations of a fund.

Uniform Application of Requirements

The UCITS framework applies a standardized set of obligations to all funds and management companies, regardless of their size, complexity, or operational model. This includes:

- Full organizational and risk management requirements for firms seeking authorization for limited activities (e.g. portfolio management only),

- Extensive documentation and internal control expectations even when functions are outsourced or delegated.

Lack of Tailoring for Fund-Specific Operations

Certain requirements are applied even when they are not relevant to the fund's structure or investment strategy. For example:

- Feeder UCITS that invest almost entirely in a master UCITS are still subject to the same diversification and risk management rules, despite the underlying exposure being already regulated.
- Funds with limited cross-border activity or investor exposure are required to comply with full-scale marketing and disclosure obligations.

Duplication in Group Structures

Management companies operating within financial groups face duplicative assessments of shared infrastructure, governance, and service providers—even when these have already been reviewed and authorized at the group level.

Operational Inefficiencies

The absence of a modular or risk-based authorization pathway means that all applicants must navigate the same procedural complexity, regardless of their actual risk profile or business scope.

Question 20. Do divergent practices arise in the authorisation framework for UCITS across Member States?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain these divergences and whether these divergences create challenges for operating in the single market:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Yes, divergent practices do arise in the authorization framework for UCITS across Member States, and these divergences create tangible challenges for operating within the EU single market.

- Interpretation of Delegation and Outsourcing Rules

Some national competent authorities (NCAs) require more detailed documentation or impose stricter substance requirements than others. This leads to inconsistent expectations for management companies seeking authorization in multiple jurisdictions.

- Procedural Timelines and Steps

The time required to obtain authorization and the procedural steps involved vary significantly between Member States. This inconsistency creates uncertainty and delays for cross-border applicants.

- Governance and Internal Control Expectations

Even for firms with similar risk profiles and operational models, NCAs apply different standards for governance structures, risk management, and compliance frameworks.

- Duplication in Group Structures

Management companies that are part of larger financial groups often face redundant assessments of shared infrastructure, IT systems, and service providers. These duplications persist even when such elements have already been reviewed and authorized at the group level.

Question 21. Are you supportive of further harmonising and streamlining the authorisation framework, such as requirements and procedures, for UCITS to increase simplification and reduce fragmentation in the sector?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain how this should be done and provide a ranking having regard to the impact of proposed solutions as high, medium or low priority:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

5.2.3. Treatment of service providers and depositaries during the authorisation process

Question 22. Where the fund authorisation process involves an assessment by the NCA of the fund service providers appointed to a fund, in particular the depositary, is the current framework (requirements and procedures) sufficient and proportionate?

- Yes
- No
- Don't know / no opinion / not applicable

Question 23. Should an authorisation process be introduced at the entity level for depositaries, with the understanding that such authorisation would allow them to offer their services across the EU?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 23:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 24. With the entry into application of [Directive \(EU\) 2024/927](#), to what extent are barriers still expected to persist for investment funds in accessing competitive, good-quality depositary services for AIFs?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 24 and provide a ranking having regard to the impact of proposed solutions as high, medium or low priority:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 25. What are the main barriers for UCITS to access competitive and good-quality depositary services?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 25 and provide a ranking having regard to the impact of proposed solutions as high, medium or low priority:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 26. What are the main barriers for AIFs to access competitive and good-quality depositary services?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 26 and provide a ranking having regard to the impact of proposed solutions as high, medium or low priority:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

5.3. EU passport for marketing of investment funds

Question 27. In the context of the EU framework, are the current passporting provisions on marketing sufficiently simple and proportionate to enable the smooth marketing of investment funds in the single market?

- Yes
- No
- Don't know / no opinion / not applicable

Question 28. In the context of the EU framework, are the current passporting provisions on marketing for investment funds applied in a consistent way in domestic legislation by Member States?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 29. In the context of national frameworks, where divergences for passporting (marketing notification regime, review of the marketing documents by the host Member States, IT or additional administrative requirements) exist, please elaborate on them, using practical examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 30. Are there barriers linked to different national requirements on marketing documents?

- Yes
- No
- Don't know / no opinion / not applicable

Question 31. Do national frameworks require the appointment of local physical presence in host Member States to access the same rights as domestic UCITS or AIFs (e.g. as regards taxation, simpler administrative procedures)?

- Yes
- No
- Don't know / no opinion / not applicable

Question 32. Are there any aspects of the cross-border distribution of funds framework ([Directive \(EU\) 2019/1160](#) and [Regulation \(EU\) 2019/1156](#)) that have created obstacles to the marketing of investment funds?

- Yes
- No
- Don't know / no opinion / not applicable

Question 33. Could the central database published by ESMA pursuant to Article 6 of Regulation (EU) 2019/1156 be improved to support compliance with Member State marketing requirements?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 34. Are fees/charges, currently levied by some host NCAs, a significant barrier to the distribution of investment funds in the single market?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 34:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 35. Do you think the fees/charges are consistent with the overall cost relating to the performance of the functions of the NCAs in question?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 35:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 36. Do you think the fees/charges are consistent with the overall cost relating to the performance of the functions of the NCAs in question?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 36:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 37. In relation to the tasks listed in Article 92(1)(a)-(f) of the UCITSD, who performs these tasks on behalf of the fund (e.g. the fund itself, a manager or a third party)?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 37.1. Where third parties are involved in the performance of these tasks:

a) Please state the entity type (e.g. transfer agent, consultancy firm, etc) and the task performed by these entities on behalf of the fund:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

b) Please explain why a third party has been appointed to perform the task(s):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 38. Is the notification requirement for pre-marketing of investment funds creating barriers to the marketing of investment funds in the Union?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 38:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 39. Please describe any operational issues that you would like to report as a de facto barrier to the distribution of investment funds in the single market.

For example, the need to follow a specific procedure to submit documents to a NCA or to use a dedicated platform for communication with a NCA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

5.4. EU passporting for management companies

Question 40. In the context of the EU framework, are the current passporting provisions sufficiently clear, comprehensive and proportionate to enable the smooth operation of fund management companies in the single market?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 40:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 41. In the context of the EU framework, are the current passporting provisions for management companies reflected in a consistent way in domestic legislation by Member States?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 41:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 42. In the context of the EU framework, where divergences for passporting of management companies exist, please elaborate on them, using practical examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 43. Is the current notification procedure for management companies, which is derived from the EU framework, applied in a consistent way by NCAs?

- Yes
- No
- Don't know / no opinion / not applicable

Question 43.1. Where barriers and/or divergences in NCA regimes exist, please elaborate on them, using practical examples, including reference to impact, such as on costs and resources:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 43.2. Where barriers and/or divergences in the notification procedure derive from NCA regimes, please explain how they could be best addressed:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

5.5. Group operations - Eliminating inefficiencies and duplication

Question 44. In your view, what are the key obstacles to consolidating functions across entities within the same asset management group, and to reducing duplication and operational inefficiencies across these entities?

Please provide an answer on the following topics:

Please select as many answers as you like

- Legal barriers in UCITSD
- Legal barriers in AIFMD
- Legal barriers in other EU legislative acts
- Legal barriers in national laws
- Supervisory barriers
- Market practices in different EU Member States
- Other barriers

Please explain why legal barriers in AIFMD are a key obstacle:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

We understand that definition of "delegation" when using a CSD, in terms of the depositary bank's liability for restitution of lost assets, should be further examined. More specifically, in the scenario where a CSD is directly linked to another's CSD for custody (investor CSD), the liability on the depositary bank for asset restitution should be removed, as Issuer CSD and Investor CSD risk is the same and they both have "infrastructure only" custody chains. In other words, investor CSDs should not be treated as delegates of the depositary. We further believe that by accepting the use of a CSD to CSD link over T2S as being exempt from this liability, this would help in eliminating existing cross-border barriers and would enhance the attractiveness of the EU post-trade infrastructure to global custodians.

Question 45. Do you consider that there is scope to streamline authorisation and supervision of asset managers operating in groups by reducing duplication, lowering operational costs, and save resources across entities within a group?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 46. Please provide suggestions for potential solutions.

Suggestions for solutions can include, for instance, legislative changes (specifying which changes are being suggested), supervisory convergence (specifying which tools are being suggested), etc.

How many solutions have you identified?

- 1 solution
 - 2 solutions
 - 3 solutions
 - 4 solutions
 - 5 solutions
-

Question 47. What conditions and safeguards would be necessary to allow for the assessment of certain functions at the group level rather than at the level of individual entities?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 48. How should the group be defined for the purposes outlined above?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 49. Do you consider that group-level authorisation and supervision would improve supervision?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 50:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

5.6. Other barriers to cross-border operations

Question 50. Have you encountered other specific barriers than those discussed above when marketing and providing asset management functions across Member States?

	Yes	No	Don't know - No opinion - Not applicable
EU financial regulation other than UCITSD/AIFMD	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
National financial regulation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervisory administrative practices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Corporate law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tax law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5.7. Barriers for investments in funds

The questions in section 5.7 are addressed specifically to investors, in relation to their investments in funds both nationally and on a cross-border basis.

Question 51. Have you encountered any specific issues or barriers to accessing investments in EU funds, directly, or a cross-border basis?

- Yes
- No
- Don't know / no opinion / not applicable

Question 51.1. What are these issues or barriers due to?

Please select as many answers as you like

- The EU framework
- Restrictions or differential treatment based on the national framework where a fund is domiciled
- Supervisory administrative practices
- Corporate law
- Tax law
- Other

Please specify to what other reason(s) you refer in your answer to question 51.1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The EU Framework

While the UCITS and AIFMD frameworks provide a harmonized foundation, they still allow for national discretion in implementation. This leads to fragmentation in fund registration, marketing rules, and investor disclosures, which complicates cross-border distribution.

Restrictions or Differential Treatment Based on the National Framework Where a Fund Is Domiciled

- Absolutely. National gold-plating and local regulatory interpretations create uneven playing fields. For example:
 - In France, the requirement for an agent centralisateur adds cost and complexity for foreign funds.
 - In Germany, captive bank networks and sub-transfer agent requirements limit access for non-domestic platforms.
 - Italy imposes SIP (Soggetto Incaricato dei Pagamenti) obligations and layered fees, making it one of the most operationally complex markets.
 - Spain has tax reporting obligations and retail-centric distribution models that require local adaptation.

Corporate Law

- To a lesser extent. While not the primary barrier, corporate law differences—such as fund structuring rules and legal form requirements—can influence how easily a fund can be marketed or distributed across borders.

Tax Law

- Yes. Tax reporting obligations, withholding tax procedures, and lack of harmonized investor tax treatment across Member States are significant barriers, particularly in retail-heavy markets like Spain and Italy.

Other: Operational and Technological Constraints

- Operational Complexity: Onboarding delays, fragmented post-trade infrastructure, and the need for multiple intermediaries (e.g., sub-transfer agents, SIPs) increase time-to-market and cost.
- Technology Limitations: The current regulatory framework imposes disproportionate burdens on the use of digital tools like DLT, limiting innovation in fund issuance and distribution.

- Retail Access Gaps: High entry thresholds, limited access to alternative investment vehicles, and complex documentation continue to restrict retail investor participation.

Question 51.2. How have these barriers impacted your investment decisions in funds specifically?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Due to high operational and regulatory complexity, certain markets—particularly Italy and Spain—are approached more cautiously.

Question 51.3. Where barriers have been identified, please explain how they could be best addressed and provide a ranking having regard to the impact of proposed solutions as high, medium or low priority:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Support DLT-based fund issuance and settlement infrastructure (e.g., Clearstream's D7 and FundsDLT).

- Medium

Retail Access Limitations

- Accelerate implementation of ELTIF 2.0 and ensure consistent application across Member States. Simplify fund documentation and enhance digital access for retail investors.

- Medium

Country-Specific Distribution Barriers

=> France: Streamline or eliminate agent centralisateur requirements.

=> Germany: Facilitate access to captive bank networks via open architecture.

=> Italy: Simplify SIP licensing and withholding tax process.

=> Spain: Harmonize tax reporting and investor disclosure standards.

- High

Technology Constraints

- Update regulatory frameworks to support DLT, tokenization, and digital fund distribution. Provide regulatory sandboxes for innovation.

- Medium

Tax Law Divergence

- Promote tax harmonization or mutual recognition of tax treatments for cross-border fund investments.

- Low

Corporate Law Differences

- Encourage convergence of fund structuring rules and legal forms through soft law instruments or guidance.

- Low

Question 52. Do you consider that the scope of investor protection rules under UCITSD, and AIFMD are disproportionate for qualified investors?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 52:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 53. Do you consider that some investor protection rules should be waved for qualified investors?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 53:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

5.8. Portfolio requirements and investment limits of investment funds

5.8.1. Investment limits – UCITS

Question 54. Do you believe that Article 53 of the UCITS Directive should be amended to extend the possibility for UCITS funds to benefit from increased investment limits in a single issuer, even when the fund does not aim to replicate the composition of an index?

- Yes

- No
- Don't know / no opinion / not applicable

Question 54.1. What safeguards should be considered to ensure that UCITS funds continue to meet high standards of quality and investor protection?

	Yes	No	Don't know / No opinion
a) Should a derogation be limited to funds that use an index as a performance benchmark, in which some equities have weights above 10%?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b) Should a derogation be restricted to certain indices and in this case which indices?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
c) Should the 40% diversification rule under Article 52(2) of the UCITS Directive be adapted?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
d) Other safeguards?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Please explain your answer to question 54 and 54.1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The idea of the UCITS Directive to create a simple and accessible investment opportunity for retail investors in the EU is a success story. However, this success is impeded by declining portfolio weightings of European equities in recent years. The investment limits, particularly the rigid "5/10/40-percent-rule" (Article 52 paragraphs 1, 2 UCITS-D) for actively managed UCITS funds for investing in individual stocks, can have a negative impact on the performance of shares, as, for example, positive price developments can lead to the limit being exceeded and the fund is forced to sell the well-performing share in order to comply with the limits. These sales can have a negative impact on prices, as in various investment vehicles exceeding the 10% limit inevitably leads to a limitation of share purchases, with general selling pressure, increased volatility and a falling market capitalization of the share and the affected indices. The rigid investment limits therefore burden the attractiveness of the European capital markets for issuers and investors. On the other side, higher limits can have positive impacts on market capitalization and do not impair market attractiveness as investors are primarily interested in securities with strong performance and high market capitalization. The situation is similar with the so-called "5/40-percent-rule", whereby individual stocks that are weighted more than 5% may not make up more than 40% of the fund in total. This also restricts actively managed UCITS funds, where well-performing stocks have to be sold in order to comply with the limits.

In contrast, purely passively managed UCITS funds (replicating index funds) are not bound by the "5/10/40-percent-rule" (Article 53 UCITS-D, according to which a single security may account for up to 20% or 35% of a portfolio under certain conditions). It can also be observed that passive index-tracking ETFs often show a better risk-return ratio, because they can be managed at lower costs and – compared to actively managed funds – they can give greater weight to individual stocks with higher market capitalization and higher growth than the overall market. This discrepancy raises the question of whether it is appropriate to impose stricter

restrictions on active managers in their portfolio selection than on managers of passive UCITS funds. Furthermore, an increase in the limits does not mean an obligation to use higher portfolio weightings, it is simply an additional option for fund managers.

We agree that limits for both portfolio weighting and stock indices are basically necessary to ensure diversification and to reduce risks and portfolio concentration. The idea of indices and funds is, on the one hand, to achieve a broad representation of a target market and, on the other hand, to enable investors to invest in a large basket of securities in order to benefit from strong performing securities as well as to reduce risks compared to buying individual stocks. However, we believe that the current safeguards are sufficient to ensure investor protection. The alignment with the rules for passive index funds should not be accompanied by stricter requirements for actively managed funds.

A further point we would like to raise, concerns the UCITS capping limits of transferable securities or money market instruments issued by the same body (Art. 52 para. 5 sentence 3 UCITS-D). While we agree that classes of shares of the same company should be considered as one issuer, listed group companies with different business models should be considered as separate companies in the context of UCITS capping limits. This could otherwise lead to companies with different business models having to be sold due to group affiliation and the capping limit in order to comply with the limits.

Therefore, we propose that the rules for passive investment funds in Article 53 UCITS-D, should also apply as a basis for actively managed UCITS funds, i.e. the current "5/10/40-percent-rule" in Article 52 paragraphs 1 and 2 of the UCITS-D should be developed further in the direction of a new "10/20/40-percent-rule". We believe that the amendment is better placed directly in Article 52 UCITS-D than as an exceptional rule in Article 53 UCITS-D. We also believe that the existing safeguards for passive funds are equally sufficient for actively managed funds.

Question 55. Do you believe that Article 56(2)(b) of the UCITS Directive should be amended to allow UCITS to invest more than 10% in an issue of a single securitisation?

- Yes
- No
- Don't know / no opinion / not applicable

Question 55.1. How does the rationale of the 10% issuer limit differ for securitisations compared to corporate bonds issued by a single issuer?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Amending Article 56(2)(b) to allow UCITS to exceed the 10% limit for securitisation products — under certain conditions — could:

- Enhance Portfolio Resilience: Securitisations often offer diversified exposure to underlying assets and can improve liquidity profiles, especially in stressed markets .
- Align with AIFMD: Alternative funds already benefit from more flexible concentration rules, creating an uneven playing field.
- Support Capital Markets Integration: A more flexible UCITS regime would align with the broader goals of the CMU and SIU to deepen EU capital markets and reduce reliance on bank financing.

However, such a change would need to be carefully calibrated to avoid concentration risk and ensure investor protection. Conditions could include minimum credit quality, risk retention compliance, and enhanced disclosure.

Question 55.2. What could be an acceptable limit, and why?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 56. Are there any additional concerns or drawbacks to consider regarding the increase of the threshold?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain how this risk would be mitigated:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Key Concerns with Raising the Threshold

- Concentration Risk.
- Increasing the threshold could expose retail investors to significant losses if the securitization underperforms or defaults.
- UCITS funds have a retail investor base, and the Directive's core principle is diversification.
- Liquidity Risk.
- Securitization instruments can be illiquid. In times of market stress, UCITS funds may struggle to sell these positions without incurring losses, potentially triggering redemption pressures.
- Due Diligence and Transparency.
- While the EU Securitization Regulation imposes transparency and risk retention requirements, these may not always ensure that UCITS managers fully understand the underlying risks.
- A higher threshold could incentivize exposure to more complex or opaque structures.
- Regulatory Arbitrage.
- Relaxing the threshold could lead to regulatory arbitrage, where UCITS managers shift toward securitization-heavy strategies to bypass other diversification constraints.
- This could undermine the UCITS brand as a conservative, retail-friendly investment vehicle.
- Supervisory Complexity.
- National competent authorities (NCAs) may face challenges in monitoring and enforcing appropriate risk management practices if the threshold is raised.
- This could lead to inconsistent supervision across Member States.
- Mitigating Measures to Consider.
- Credit Quality Filters.

- Limit the exemption to securitizations rated investment grade or backed by high-quality collateral.
- Risk Retention Compliance.
- Require that only securitizations compliant with Article 6 of the Securitization Regulation (risk retention) be eligible.
- Enhanced Disclosure.
- Mandate additional reporting on securitization exposures in UCITS KIDs and periodic reports.
- Stress Testing.
- Require scenario analysis and stress testing for funds with concentrated securitization exposures.

Question 57. Does the 10% issuer limit affect the liquidity management of funds?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 57:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The 10% issuer limit under Article 56(2)(b) of the UCITS Directive plays a significant role in shaping the liquidity management strategies of UCITS funds. While designed to ensure diversification and investor protection, it introduces several operational and strategic constraints:

- **Reduced Flexibility:** The cap restricts fund managers from concentrating holdings in highly liquid, high-quality instruments, even when such concentration would support redemption needs during market stress.
- **Forced Diversification:** Managers may be compelled to hold less liquid or suboptimal assets solely to comply with the rule, which can impair the fund's liquidity profile.
- **Operational Burden:** Constant monitoring and rebalancing are required to maintain compliance, especially in volatile markets, adding complexity to day-to-day liquidity management.
- **Missed Opportunities:** The rule disincentivizes larger allocations to transparent, investment-grade securitizations that could otherwise enhance liquidity and yield.

Question 58. What are the potential cost savings for fund managers (e.g. due diligence costs)?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

In general, measures that lead to higher investment inflows into European UCITS funds will reduce total fund costs by a better allocation of fixed costs. The costs for fund management, due diligence, authorization, passporting and reporting are spread among more investors.

6. Supervision

This section covers the [European Supervisory Authorities \(ESAs\)](#) with a special focus on the [European Securities and Markets Authority \(ESMA\)](#). It is divided into three parts:

- The first part focuses on the effectiveness of the current framework
- The second part goes into more detail regarding the specific sectors, i.e. [central counterparties \(CCPs\)](#), [central securities depositories \(CSDs\)](#), trading venues, asset managers, and cryptos assets service providers
- The last part covers four horizontal areas: the governance framework for new direct supervisory mandates, supervisory convergence, data and funding

Respondents are invited to provide concrete examples to support their responses, and, where possible, include quantitative and qualitative input.

6.1. Effectiveness of the current framework

Question 1. How effective are current EU supervisory arrangements in achieving the objectives or performing the tasks below?

	1 (least effective)	2 (rather not effective)	3 (neutral)	4 (rather effective)	5 (most effective)	Don't know - No opinion - Not applicable
Contributing to financial stability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The functioning of the internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The integrity, transparency, efficiency and orderly functioning of financial markets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The enforcement of EU rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The prevention of regulatory arbitrage and promotion of equal conditions of competition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervisory convergence across the internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Development of the Single Rule Book	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consumer and investor protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support financial innovation in the market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Market monitoring	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervisory data management including data sharing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Responsiveness, transparency	<input type="radio"/>					
Stakeholder engagement and involvement	<input type="radio"/>					
Use of resources	<input type="radio"/>					
Proportionality of the fees for direct supervision	<input type="radio"/>					

Question 2. What prevents the ESAs from reaching the objectives or performing the tasks listed in Question 1?

Please explain your answer:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 3. Please assess ESMA's governance model currently in place for the direct supervisory mandates.

Currently, the Board of Supervisors adopts supervisory decisions prepared either by ESMA staff (for example for CRAs) or the CCP supervisory committee (for tier 2 third country CCPs).

You may want to consider elements, such as ability to take decisions swiftly, independent decision in EU public interest, quality of the decisions being taken, ability to take into account supervised entities and other stakeholders:

- 1 - Not at all effective
- 2 - Rather ineffective
- 3 - Neutral
- 4 - Rather effective
- 5 - Very effective
- Don't know / no opinion / not applicable

Please explain your answer to question 3, considering all the elements provided above:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

6.2. Specific questions on supervisory arrangements for different sectors

Question 4. Do you have ideas how EU-level supervision of financial markets could be structured (for example the whole or part of the sector should be supervised at EU level, supervisory decisions could be taken at EU level or national, etc.)?

- Yes
- No
- Don't know / no opinion / not applicable

Question 4.1. Please explain your ideas and explain what broad changes they would involve:

in terms of supervisory architecture and supervisors' responsibilities:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

We have excellent relationships with the supervisors involved in the oversight of DBG's legal entities, including our CSDs, CCPs and trading venues. Generally, as a supervised exchange and FMI provider, it is not up to us to choose our supervisor.

Recent periods of market stress have underlined the effectiveness of the current supervisory architecture, not revealing any major supervisory failures and guaranteeing financial stability. Also, the latest changes to sectoral legislation such as the CSDR Refit, EMIR 3.0, the MiFIR review or ESG and new technology related rules have been strengthening EU level competences, catering for the SIU objectives of deeper integration and convergence.

DBG agrees that an integrated supervisory approach could further promote convergence, as it could help cut red tape and reduce cross-border frictions as well as supervisory arbitrage by boosting harmonization of standard-setting and enforcement.

There are areas where more centralized supervision may make sense, such as for new pieces of regulation, where the ESAs' competencies may be superior or no national regimes are already in place. Concrete examples for this are the Benchmarks regulation and ESG ratings regulation. But there are also areas with clear benefits of supervision remaining on national level – for instance, where fiscal responsibility remains at national level, proximity to retail investors is required or better knowledge of national markets exists, etc.

NCA's are uniquely positioned to oversee exchanges due to their close proximity to local markets and their deep understanding of national financial ecosystems. This local presence enables them to respond swiftly and effectively to market-specific developments, operational risks, and supervisory challenges. These differences necessitate tailored supervisory approaches that are best delivered by authorities embedded in the local context. Moreover, centralizing exchange supervision under ESMA could introduce operational and legal complexities. It may lead to slower decision-making processes and reduce the flexibility needed to address market-specific risks. National legal frameworks, enforcement mechanisms, and judicial oversight are closely intertwined with supervisory functions, and transferring these responsibilities to a central authority would require significant legal and institutional adjustments as well as a clear political agreement between Member States.

Furthermore, specific supervisory set-ups for exchanges, CCPs and CSDs had just been amended. These changes should first be properly implemented (such as the new colleges structure for CSDs or the enhanced ESMA supervisory competencies and the new Joint Monitoring Mechanism for CCPs) and lessons learnt or prerequisites for any next steps should be thoroughly assessed, before further changes to CSD, CCP or trading venue supervision are prepared.

The current discussion to move to centralized EU supervision for some large and cross-border FMIs is too polarized between EU and national supervision. Such polarization will not help with building a stronger capital market. While integrated supervision can lead to more efficiency, harmonization, and convergence as alluded to above, it is not an automatism nor a silver bullet for increasing the EU's global attractiveness and competitiveness.

The discussion should also not lead to an overly complex set-up between different and duplicative layers and levels of supervision. Such a set-up would not allow any swift decision-making, notably in times of crisis. Rather, any changes should further enhance the efficiency and resilience of EU capital markets. Hence, any future set-up needs to strike the right balance between centralization and local enforcement, with clear roles and responsibilities at EU and national level to provide a feasible way forward to achieve the supervisory vision in the long-term.

The supervisory debate should not overshadow other urgent reforms in the current legislative period that put a stronger focus on growth enhancing measures and competitiveness. A key element of that should be the further development of a single rulebook and convergence whilst at the same time proceeding with simplification and burden reduction.

in terms of supervisors' approach to exercise their mandates and processes:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

in terms of improved cooperation among supervisors:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 5. Some NCAs have developed advanced expertise or specialisation in supervising certain sectors.

What is your view on building on these NCAs and creating EU centres of supervisory expertise by sectors?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 6. Do you think supervision of EU financial markets would benefit from pooling together resources and expertise of individual NCAs in regional hubs?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 7. What is your view on setting up regional hubs of ESMA to ensure closer interaction with market participants?

Please explain your reply highlighting benefits and downsides

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

6.3. Questions on the supervision of EU CSDs

6.3.1. Identifying costs related to the current supervisory framework and benefits of more integrated EU supervision

Question 8. How would you rate the convergence of supervisory practices across Member States in the area of the supervision of CSDs?

- 1 - Very convergent
- 2 - Rather convergent
- 3 - Neutral
- 4 - Rather divergent
- 5 - Very divergent
- Don't know / no opinion / not applicable

Please provide examples of divergent outcomes of supervisory practices for CSDs in different Member States:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

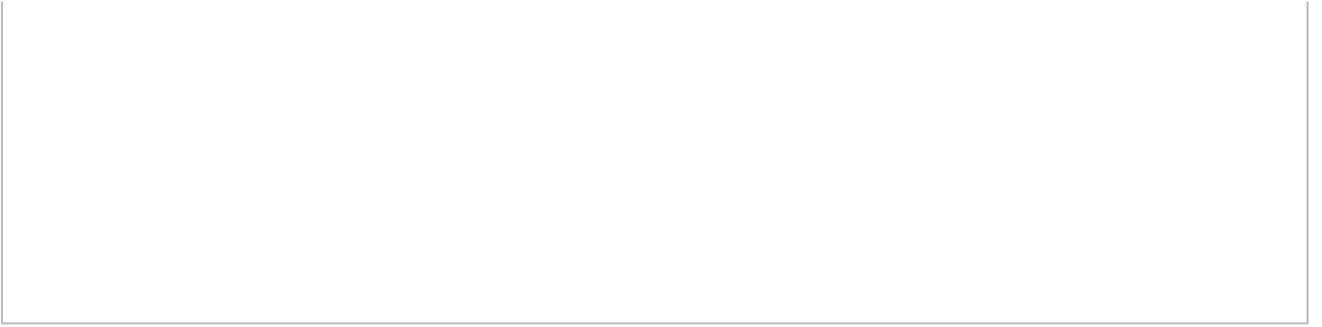
Question 9. Please estimate the regulatory compliance costs (including administrative costs – such as staff costs, facilities costs, travel, IT technology costs –, professional fees – such as legal, accounting, consulting, etc. –, and applicable fees) that arise from engagement with your current supervisor(s).

Please separate any details on costs into fees and compliance, one-off cost and on-going costs and per supervisor.

Please explain your answer providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.



Question 9.1. In particular, please provide, where possible, details on the cost of the following elements:

	Details on the cost
a) Applications for the initial authorisation of CSDs	
b) Applications for the extension of services or outsourcing of core services	
c) Supervisory processes/approvals, e.g. with regards to provision of services in host Member States, links, provision of banking-type ancillary services	
d) Involvement and consultations of different bodies, supervisors, central banks, and further authorities in supervisory decisions	
e) Ongoing compliance with Regulation (EU) No 909/2014, including reports and contacts with bodies, supervisors and authorities	
f) Lack of consistent processes (e.g. different actors involved) across different supervisory procedures	

g) Legal uncertainties arising from different implementation or interpretations of EU Regulations in different Member States or between Member State authorities and ESMA	
h) Duplicative or conflicting instructions from national supervisory authorities and ESMA	
i) Reporting of business and activities	
j) Other (please specify)	

Question 10. Do you consider that the current supervisory framework ensures efficient supervision and legal certainty?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 10, providing examples, where possible:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 11. To which extent do you agree with the following statements about possible benefits of more integrated EU supervision?

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) It could reduce EU CSDs' regulatory costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) It could enhance the quality of supervision over EU CSDs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) It could facilitate the provision of cross-border services by EU CSDs, and cross-border issuance by EU issuers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) It could simplify and accelerate the procedure to apply for authorisation for EU CSDs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) It could simplify and accelerate the procedure for additional authorisations (e.g) to extend the scope of services or activities offered in the EU or to outsource EU CSD core services)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) It could simplify and accelerate supervisory procedures and approvals, e.g) with regard to the provision of services by EU CSDs in host Member States, links and provision of banking-type ancillary services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) It could lead to more efficient use of supervisory resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

h) It could decrease uncertainties that currently arise from different implementation or interpretations of EU Regulations in different Member States or by Member States and ESMA	<input type="radio"/>					
i) It would remove the need for market actors to deal with duplicative instructions from more than one supervisory authority	<input type="radio"/>					
j) It could create a level playing field between EU CSDs	<input type="radio"/>					
k) It could ensure a harmonised understanding of decentralised technologies and the novel risks they may bring to the EU CSDs to supervise	<input type="radio"/>					
l) It could improve the resilience of EU CSDs	<input type="radio"/>					
m) It could reduce the need for detailed regulations and extensive rulebooks to achieve harmonised supervision	<input type="radio"/>					
n) Other	<input type="radio"/>					

Please explain your answer to question 11. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. d), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. e), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. f), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. g), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. h), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. i), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. j), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. k), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. l), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 11. m), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 12. Do you consider that more integrated EU supervision could also produce negative side-effects?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 12:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 13. Do you have other comments on the current CSDs supervisory framework and benefits of more integrated EU supervision?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

6.3.2. How could more integrated EU supervision of CSDs function?

Question 14. Please indicate to which extent you support the following possible models of more integrated EU supervision:

	1 (strongly support)	2 (rather support)	3 (neutral)	4 (rather not support)	5 (strongly not support)	Don't know - No opinion - Not applicable
a) A single EU supervisor, responsible for the supervision of all EU CSDs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) A centralised EU supervisor, responsible for the supervision of only certain, systemic EU CSDs (other CSDs to remain subject to national supervision)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) A centralised EU supervisor over all EU CSDs, but with powers in certain key areas with other powers remaining at national level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) A centralised EU supervisor, responsible for the supervision of only certain, systemic EU CSDs and with powers in certain key areas (other powers, as well as non-systemic EU CSDs to remain subject to national supervision)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Supervisory colleges with enhanced powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Other set-up	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 14. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 14. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

On model b), please explain which criteria you would use to determine the most systemic CSDs that would be subject to the supervision at the EU level e.g. ICSDs, CSDs that are substantially important for a certain number of host Member States, passing some pre-defined volume activity threshold:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 14. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

On model c), please identify the areas where more integrated EU supervision would provide the most benefits (please indicate the relevant articles of CSDR where applicable):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 14. d), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

On model d), please identify the areas where more integrated EU supervision would provide the most benefits (please indicate the relevant articles of CSDR where applicable):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 14. e), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 15. Would joint supervisory teams, e.g. under options (c) and (d) in question 14, composed of national experts and representatives of the EU supervisor, under the EU supervisor's lead, be an efficient tool to provide technical support of the supervision by the EU level supervisor?

- 1 - Strongly agree
- 2 - Rather agree
- 3 - Neutral
- 4 - Rather disagree
- 5 - Strongly disagree
- Don't know / no opinion / not applicable

Please explain your answer to question 15:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 16. To ensure stronger EU-level supervision of CSDs, which of the following authorities or bodies should be closely involved in supervision?

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) ESMA	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) EBA	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Relevant authorities as defined in CSDR	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) The Eurosystem	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Competent authorities of other Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Supervisory colleges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) The competent authority designated under MiFID	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) The competent authority designated under the CRR	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 16. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 16. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 16. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 16. d), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 16. e), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 16. f), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 16. g), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 16. h), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 17. How would you expect your compliance cost to change under the supervisory model you chose in question 14?

- Strong increase: +20% or more
- Increase: +5-20%

- Neutral: +/- 0-5%
- Decrease: -5-20%
- Strong decrease: -20% or more
- Don't know / no opinion / not applicable

Please explain the reasoning for your answer to question 17, providing, as much as possible, quantitative evidence (e.g. your calculations of the evolution of your costs, splitting them between administrative costs (staff costs, facilities costs, travel, IT technology costs), professional fees (e.g. legal, accounting, consulting, etc), supervisory fees, etc.:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

6.4. Questions on the supervision of EU CCPs

6.4.1. Identifying the costs of the current supervisory framework and benefits of more integrated EU supervision

Question 18. How would you rate the convergence of supervisory practices across Member States in the area of the supervision of CCPs?

- 1 - Very convergent
- 2 - Rather convergent
- 3 - Neutral
- 4 - Rather divergent
- 5 - Very divergent
- Don't know / no opinion / not applicable

Please provide examples of divergent outcomes of supervisory practices for CCPs in different Member States:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 19. Please estimate the regulatory compliance costs (including administrative costs – such as staff costs, facilities costs, travel, IT technology costs –, professional fees – such as legal, accounting, consulting, etc. –, and applicable fees) that arise from engagement with your current supervisor(s).

Please separate any details on costs into fees and compliance, one-off cost and on-going costs and per supervisor.

Please explain your answer providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 19.1. In particular, please provide, where possible, details on the cost of the following elements:

	Details on the cost
a) Involvement and consultations of different bodies (e.g. colleges), supervisors, central banks, and further authorities in supervisory decisions	
b) Ongoing compliance with Regulation (EU) No 648/2012, including reports and contacts with bodies (e.g. colleges), supervisors and authorities	
c) Lack of consistent processes (e.g. different actors involved) across different supervisory procedures	
d) Legal uncertainties arising from different implementation or interpretations of EU Regulations in different Member States or between Member State authorities and ESMA	
e) Duplicative or conflicting instructions from national supervisory authorities and ESMA	

f) Reporting of business and activities other than transaction-level reporting under EMIR Article 9

g) Other (please specify)

Question 20. To which extent do you agree with the following statements about possible benefits of more integrated EU supervision?

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) It could reduce EU CCPs' regulatory costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) It could enhance the quality of supervision over EU CCPs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) It could simplify and accelerate the procedure to apply for authorisation to provide clearing services in the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) It could simplify and accelerate the procedure for additional authorisations (e.g. to extend the scope of services or activities offered in the EU)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) It could simplify and accelerate validation procedures for risk models and parameters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) It could simplify and accelerate the procedures for obtaining supervisory approvals, e.g. with regard to outsourcing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) It could lead to more efficient use of supervisory resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) It would decrease uncertainties that currently arise from different implementation or interpretations of EU Regulations in different Member States or by Member States and ESMA	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

i) It would remove the need for market actors to deal with duplicative instructions from more than one supervisory authority	<input type="radio"/>					
j) It would create a level playing field between EU CCPs	<input type="radio"/>					
k) It would create a level playing field between EU CCPs on the one hand and third-country CCPs on the other hand	<input type="radio"/>					
l) It would improve EU capacity to deal with the cross-border risks arising from greater amounts of clearing in the EU	<input type="radio"/>					
m) It could ensure a harmonised understanding of decentralised technologies and the novel risks they may bring to the CCP to supervise	<input type="radio"/>					
n) It could improve the resilience of EU CCPs	<input type="radio"/>					
o) It would reduce the need for detailed regulations and extensive rulebooks to achieve harmonised supervision	<input type="radio"/>					
p) Other	<input type="radio"/>					

Please explain your answer to question 20. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. d), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. e), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. f), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. g), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. h), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. i), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. j), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. k), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. l), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. m), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. n), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 20. o), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 21. Do you consider that more centralised EU supervision could also produce negative side-effects?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 21:

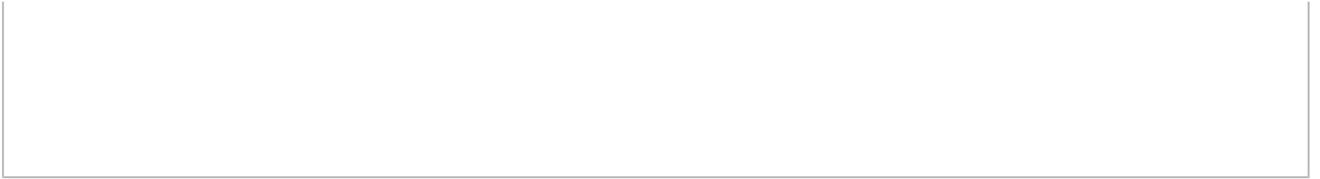
5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 22. Do you have other comments on the CCPs current supervisory framework and benefits of more integrated EU supervision?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.



6.4.2. How could more integrated EU supervision function?

Question 23. Please indicate to which extent you support the following possible models of more integrated EU supervision of CCPs:

	1 (strongly support)	2 (rather support)	3 (neutral)	4 (rather not support)	5 (strongly not support)	Don't know - No opinion - Not applicable
a) A single EU supervisor with all supervisory powers, responsible for the supervision of all EU CCPs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) An EU supervisor with powers in certain key areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Supervisory colleges with enhanced powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Other set-up	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 23. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 23. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 23. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 24. Would joint supervisory teams, composed of experts of national experts and representatives of the EU supervisor, be an efficient tool to provide technical support to the supervision by the single supervisor?

- 1 - Strongly agree
- 2 - Rather agree
- 3 - Neutral
- 4 - Rather disagree
- 5 - Strongly disagree
- Don't know / no opinion / not applicable

Please explain your answer to question 24:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 25. To ensure stronger EU-level supervision, which of the following authorities or bodies should be closely involved in supervision?

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) European Central Bank and the relevant central banks of issue of Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) ESMA	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Single Supervisory Mechanism and other bank supervisors for non-Banking Union Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Competent authorities of other Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Supervisory colleges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Question 26. To ensure stronger EU-level supervision, where should the centre of gravity of supervisory activity be allocated?

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) European Central Bank and the relevant central banks of issue of Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) ESMA	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Single Supervisory Mechanism and other bank supervisors for non-Banking Union Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Competent authorities of other Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Supervisory colleges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 26. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 26. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 26. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 26. d), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 26. e), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 27. How would you expect your compliance cost to change under the supervisory model you chose in question 23:

- Strong increase: +20% or more
- Increase: +5-20%
- Neutral: +/- 0-5%
- Decrease: -5-20%
- Strong decrease: -20% or more
- Don't know / no opinion / not applicable

Please explain the reasoning for your answer to question 27, providing, as much as possible, quantitative evidence (e.g. your calculations of the evolution of your costs, splitting them between administrative costs (staff costs, facilities costs, travel, IT technology costs), professional fees (e.g. legal, accounting, consulting, etc), supervisory fees, etc.:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

6.5. Questions on the supervision of significant EU trading venues

6.5.1. Identifying the pros and cons of the current supervisory framework and possible benefits of a more integrated EU supervision

Question 28. How would you rate the convergence of supervisory practices across Member States in the area of the supervision of trading venues?

- 1 - Very convergent
- 2 - Rather convergent
- 3 - Neutral
- 4 - Rather divergent
- 5 - Very divergent
- Don't know / no opinion / not applicable

Please provide examples of divergent outcomes of supervisory practices for trading venues in different Member States

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 29. To which extent do you agree with the following statement about the pros and cons of the current supervisory framework for trading venues in the EU, compared to a possibly more integrated EU supervisory framework?

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) The current supervisory framework enables an efficient supervision thanks to the proximity of NCAs with the supervised entities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) It results in sufficiently consistent supervision over EU trading venues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) It is optimal in terms of regulatory costs for trading venues (i.e. it allows costs to be kept to a minimum)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) It allows an efficient use of national and EU supervisory resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) It creates an uneven playing field for EU trading venues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) It creates legal uncertainty because of different implementation or interpretation of EU legislation in different Member States or by NCAs and ESMA	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) It does not allow an effective supervision for groups operating across EU-borders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

h) It prevents economies of scale for trading venues with operations cross-border	<input type="radio"/>					
i) It makes it more complex and costly for EU trading venues to develop their activities across borders	<input type="radio"/>					
j) It makes it more difficult for EU trading venues to attract market participants	<input type="radio"/>					
k) Other	<input type="radio"/>					

Please explain your answer to question 29. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 29. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 29. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 29. d), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 29. e), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 29. f), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 29. g), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 29. h), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 29. i), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 29. j), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 30. Please estimate the regulatory compliance costs (including administrative costs – such as staff costs, facilities costs, travel, IT technology costs –, professional fees – such as legal, accounting, consulting, etc. –, and applicable fees) that arise from engagement with your current supervisor(s).

Please separate any details on costs into fees and compliance, one-off cost and on-going costs and per supervisor.

Please explain your answer providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 30.1. In particular, please provide, where possible, details on the regulatory compliance costs that arise from engagement with your current supervisor(s) on the following elements:

	Details on the cost
a) The authorisation to operate an (additional) trading venue	
b) The development of or changes to the exchange rulebook, including regulatory approval where relevant	
c) Ongoing compliance with MiFIR/MiFID II and national implementing measures; specify which one	
d) For groups operating across borders, compliance with different supervisory requirements and procedures	
e) Legal uncertainties arising from different implementation or interpretation of EU legislation in different Member States or between NCAs and ESMA	
f) Duplicative or conflicting instructions from NCAs and ESMA	

g) Duplicative or conflicting reporting obligations towards different supervisors

h) Other (please specify)

Question 31. To which extent do you agree with the following statements about possible benefits of more integrated EU supervision?

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) It could reduce EU trading venues' regulatory costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) It could enhance the quality and consistency of supervision over EU trading venues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) It could facilitate cross-border activities of trading venues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) It could increase the effectiveness of supervision for groups allowing for a comprehensive EU-wide understanding of the activities performed by each individual trading venue	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) It could simplify and accelerate the procedure to apply for (additional) authorisation for EU trading venues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) It could simplify and/or accelerate procedures for obtaining supervisory approvals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) It could simplify and/or accelerate the procedure for obtaining the agreement for amendments to the exchange rulebooks	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) It could lead to more efficient use of supervisory resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

i) It could decrease uncertainties currently arising from different implementation or interpretation of EU legislation in different Member States or by NCAs and ESMA	<input type="radio"/>					
j) It could remove the need for market participants to deal with duplicative instructions from more than one supervisory authority	<input type="radio"/>					
k) It could create a level playing field between EU trading venues in scope	<input type="radio"/>					
l) It could ensure a harmonised understanding of new technology /new types of instruments (e.g. smart contracts) used by EU trading venues and the novel risks they may bring to the EU trading venues to supervise	<input type="radio"/>					
m) It could reduce the need for detailed regulations, extensive rulebooks, as well as the use of Level 3 tools (e.g. Q&As) to achieve harmonised supervision	<input type="radio"/>					
n) Other	<input type="radio"/>					

Please explain your answer to question 31. a), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. b), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. c), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. d), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. e), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. f), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. g), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. h), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. i), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. j), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. k), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. l), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 31. m), providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please specify to what other statement(s) you refer in your answer to question 31. n), and explain your answer providing, where possible, examples and quantitative evidence, in particular as regards potential costs and savings/benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

6.5.2. How could more integrated EU supervision function?

Question 32. Please indicate to which extent you support the following possible models of more integrated EU supervision.

Note: the models are not mutually exclusive. E.g. an EU-level supervisor could be responsible for the supervision of all trading venues and have all or only some of the MiFID/R powers:

	1 (strongly support)	2 (rather support)	3 (neutral)	4 (rather not support)	5 (strongly not support)	Don't know - No opinion - Not applicable
a) An EU-level supervisor, responsible for the supervision of all EU trading venues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) An EU-level supervisor, responsible for the supervision of certain EU trading venues according to certain criteria described in the next section	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) An EU-level supervisor with all MiFID/R supervisory powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) An EU-level supervisor with powers in certain key MiFID/R areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Joint supervisory colleges with enhanced powers ^[1]	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Other set-up	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

¹ Under this model, NCAs would retain supervisory powers. Yet, entity-specific supervisory colleges consisting of representatives of ESMA and the NCAs that are relevant for the trading venue under scrutiny could issue opinions on a pre-defined list of supervisory topics. This would be complemented by the supervisory convergence tools and joint inspections with NCAs and ESMA representatives.

Please explain your answer to question 32. a), providing, where possible, examples and quantitative evidence, including on potential costs and benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 32. b), providing, where possible, examples and quantitative evidence, including on potential costs and benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 32. c), providing, where possible, examples and quantitative evidence, including on potential costs and benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 32. d), providing, where possible, examples and quantitative evidence, including on potential costs and benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 32. e), providing, where possible, examples and quantitative evidence, including on potential costs and benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 33. In the case of a single EU-level supervisor (a, b, c and d in question 32), to which extent would you support the two possible models described below?

Model a) ESMA is the direct supervisor, with decisions taken by the ESMA Board of Supervisors and certain tasks delegated to NCAs:

- 1 - Strongly support
- 2 - Rather support
- 3 - Neutral
- 4 - Rather not support
- 5 - Strongly not support
- Don't know / no opinion / not applicable

Please explain your answer on model a):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Model b) Within ESMA, a Supervisory Committee composed of representatives of ESMA, relevant NCAs and possibly independent experts is in charge of the on-going supervision. The ESMA Board of Supervisors could retain decision making powers on a limited number of important MiFID/R issues:

- 1 - Very unsatisfied
- 2 - Unsatisfied
- 3 - Neutral
- 4 - Satisfied
- 5 - Very satisfied
- Don't know / no opinion / not applicable

Please explain your answer on model b):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 34. Would joint supervisory teams, composed of experts of NCAs and representatives of ESMA, under ESMA's lead be an efficient tool to achieve a more harmonised and efficient ongoing supervision of trading venues?

- 1 - Strongly agree
- 2 - Rather agree
- 3 - Neutral
- 4 - Rather disagree
- 5 - Strongly disagree
- Don't know / no opinion / not applicable

Please explain your answer to question 34:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 34.1. If you consider that none of the above presented options would be adequate for (certain) trading venues, which alternative supervisory model would you support?

Please explain your answer providing, where possible, examples and quantitative evidence, including on potential costs and benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 35. How would you expect your regulatory compliance costs arising from engagement with your current supervisor (as defined in Question 30) to change if your trading venue(s) would fall under one of the following models of more integrated EU supervision?

	Strong increase: +20% or more	Increase: +5-20%	Neutral: +/- 0-5%	Decrease: -5-20%	Strong decrease: -20% or more	Don't know - No opinion - Not applicable
a) An EU-level supervisor with all MiFID/R powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) An EU-level supervisor with some MiFID/R powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Joint supervisory colleges with enhanced powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 35. a), providing, as much as possible, quantitative evidence (e.g. your calculations of the evolution of your costs, splitting them between administrative costs (staff costs, facilities costs, travel, IT technology costs), professional fees (e.g. legal, accounting, consulting, etc), supervisory fees, etc.

Should the estimation of your costs differ depending on the type of single EU-level supervisor (see question 33), please specify:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 35. b), providing, as much as possible, quantitative evidence (e.g. your calculations of the evolution of your costs, splitting them between administrative costs (staff costs, facilities costs, travel, IT technology costs), professional fees (e.g. legal, accounting, consulting, etc), supervisory fees, etc.

Should the estimation of your costs differ depending on the type of single EU-level supervisor (see question 33), please specify:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 35. c), providing, as much as possible, quantitative evidence (e.g. your calculations of the evolution of your costs, splitting them between administrative costs (staff costs, facilities costs, travel, IT technology costs), professional fees (e.g. legal, accounting, consulting, etc), supervisory fees, etc.

Should the estimation of your costs differ depending on the type of single EU-level supervisor (see question 33), please specify:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

6.5.3. How could the potential scope of a possible EU-level supervision be defined?

Question 36. Which criteria should be used to define the scope of trading venues that should fall under EU-level supervision?

- i) Only trading venues that are deemed significant based on their size or owing to their third country dimension (i.e. trading venues belonging to non-EU groups)
- ii) Only trading venues with a significant cross-border dimension within the EU
- iii) Only trading venues that fulfil both above criteria
- iv) Other
- Don't know / no opinion / not applicable

Please explain your answer to question 36:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 37. Assuming competences are split between an EU-level supervisor responsible for the supervision of significant relevant trading venues and NCAs responsible for the supervision of less significant institutions ('LSI'), do you believe that the EU-level supervisor should also have any oversight function with respect to LSI supervision?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 37:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 38. Among the following options to determine if entities belonging to the same group should be in scope of EU-level supervision, please indicate which one you would most support:

- i) If a trading venue belonging to a group is in scope of EU-level supervision, all trading venues located in the EU and belonging to that group should be in scope, irrespective of whether the quantitative criteria for being in scope are met for each of these individual trading venues
- ii) Only EU trading venues of a group that individually reach the criteria should be in scope
- iii) Quantitative criteria should be calculated on the basis of a group and hence all EU trading venues belonging to that group should be in the scope
- iv) Other
- Don't know / no opinion / not applicable

Please explain your answer to question 38:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Significance criterion based on size

Question 39. What should be the appropriate criteria in terms of size to assess the significance of a trading venue(s) for the purpose of EU-level supervision?

If you responded (iii) to question 38, the reference to a trading venue should be understood as a reference to a group.

- i) Trading volume (in EUR) of the trading venue relative to the total volume traded in the EU for all asset classes (e.g. shares, bonds, etc) is equal or higher than a certain percentage
- ii) Trading volume (in EUR) of the trading venue relative to the total volume traded in the EU for only some but not all asset classes is equal or higher than a certain percentage.
- iii) Trading volume (in EUR) of the trading venue relative to the total volume traded in the EU for at least one asset class is equal or higher than a certain percentage.
- iv) Other
- Don't know / no opinion / not applicable

Question 40. Depending on your reply to question 39, in your view, what should be the appropriate percentage range?

- 5-10%
- 10-30%
- 30-50%
- Other
- Don't know / no opinion / not applicable

Please explain your reasoning for your answer to question 40, providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 41. Do you consider that the application of the above criteria could also produce negative side-effects or lead to unintended results?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 41:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Cross-border criterion

Question 42. In your view, what would be the appropriate criteria to assess the cross-border dimension of a trading venue for the purpose of EU-level supervision?

- a) *Cross-market activity:*

More than [X %] of the trading activity on the trading venue occurs in instruments [shares, bonds] whose most relevant market in terms of liquidity is located in another Member State

- b) *Cross border activity within a group:*

Trading venues belonging to a group are located in at least [Y] Member States other than the Member State where the headquarters of the group are located

- c) *Cross border members or participants:*

More than [Z%] of members of or participants in a trading venue are established in Member States other than the Member State where the trading venue is established

- d) Any of the previous criteria
- e) All of the previous criteria

- f) Other criteria
- Don't know / no opinion / not applicable

Please explain your answer to question 1 and provide quantitative thresholds for your preferred option(s) above, expressed in percentages for X and Z (42 (a) and 42 (c)) and in numbers of Member(s) (States) for Y) (42 (b)).

Please also provide quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 43. Should it be possible for a trading venue to opt-in into EU-level supervision even though it does not meet the relevant criteria?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 43:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 44. Please indicate for the following areas of MiFID II to which extent you agree/disagree that EU-level supervision of (certain) trading venues could provide benefits.

Certain powers may be logically bundled.

A non-exhausting list of relevant articles is provided in brackets:

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) Authorisation/withdrawal of authorisation for regulated market /MTF/OTF (e.g. Articles 5, 7, 8 and 44 of MiFID II)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Requirements on management bodies, shareholders and members with qualifying holdings and those exercising a significant influence (e.g. Articles 9, 10, 11, 12, 13, 44 and 45 of MiFID II)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) General organisational requirements, conflict of interests and ongoing supervision (e.g. Articles 16, 21, 22, 23, 47, 48, 49 and 54 of MiFID II)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Trading process in MTF, OTF and regulated market, admission of financial instruments to trading (e.g. Articles 18, 19, 20, 51 and 53 of MiFID II)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Market transparency and integrity (e.g. Articles 31, 32 and 52 of MiFID II)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

f) SME growth markets (e.g. Article 33 of MiFID II)	<input type="radio"/>					
g) Rights of investment firms (cross-border provision of services) and provisions regarding CCP and clearing and settlement arrangements (e.g. Articles 34, 36, 37, 38 and 55 of MiFID II)	<input type="radio"/>					
h) Commodity derivatives regime (e.g. Articles 57 (8) and 58 of MiFID II)	<input type="radio"/>					
i) Supervisory powers (e.g. Article 69 of MiFID II)	<input type="radio"/>					
j) Sanctions (e.g. Articles 70, 71, 72 and 73 of MiFID II)	<input type="radio"/>					
k) Group level supervision	<input type="radio"/>					
l) Provisions related to prevention or detection of cases of market abuse pursuant to Regulation (EU) 596/2014, e.g. analysing and referring suspicious transactions to NCAs	<input type="radio"/>					
m) Other	<input type="radio"/>					

Please explain your answer to question 44. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. d), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. e), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. f), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. g), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. h), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. i), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. j), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. k), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 44. l), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 45. Please indicate for the following areas of MiFIR to which extent you agree/disagree that EU-level supervision of (certain) trading venues could provide benefits.

This is notwithstanding that certain powers may be logically bundled.

A non-exhausting list of indicative relevant articles is provided in brackets:

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) Transparency requirements for equity and non-equity instruments (e.g. Articles 4, 7, 9, 11 and 11a of MiFIR)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Transmission of data, obligation to maintain recording and report transactions (e.g. Articles 22, 22a, 22b, 22c, 25 and 26 of MiFIR)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Non-discriminatory access to a CCP and to a trading venue (e.g. Articles 35 and 36 of MiFIR)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 45. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 45. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 45. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please specify to what other area(s) of MiFIR you refer in your answer to question 45. d), and explain your answer providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

National competent authorities (NCAs) possess the institutional knowledge and operational requirements necessary to interpret and enforce these rules in context. Local market practices, data infrastructures, national judicial and financial ecosystems can vary significantly at the national level, within which NCAs are closely embedded.

Granting ESMA direct competencies in data reporting could result in overlapping oversight responsibilities or regulatory duplication, potentially causing confusion among supervised entities and market participants, thereby reducing the overall effectiveness of supervision and increasing costs. Therefore, we urge caution in

promoting a unified supervisory approach to transparency requirements and data provision. A centralized supervisory model may as well inadvertently suppress innovative endeavors by enforcing uniform transparency and reporting requirements across all trading venues. A focus purely on overall standardization could limit the flexibility of rather diverse venues to develop new trading models or data services tailored to divergent and specific market needs. It is important to recognize that, in addition to standard EU-wide requirements, further non-standard requirements and regulatory flexibility exist at the national level.

This notwithstanding, ESMA even without direct supervision competence may continue to further harmonize the transparency requirements across the EU, which would be beneficial as it preserves a clear distinction between regulatory and supervisory roles. This avoids potential conflicts or confusion that could arise from ESMA holding both responsibilities, thereby maintaining institutional clarity and accountability. Further, ESMA already appears to be equipped with appropriate competences to foster harmonized applications of regulation. We see merit in ESMA making fuller use of its existing powers—such as conducting Peer Reviews—to enhance supervisory convergence and consistency across Member States.

6.6. Questions on the supervision of funds and asset managers

6.6.1. Identifying costs related to current supervisory framework and benefits of more integrated EU supervision

Question 46. How would you rate the convergence of supervisory practices across Member States in the area of the supervision of funds and asset managers?

- 1 - Very convergent
- 2 - Rather convergent
- 3 - Neutral
- 4 - Rather divergent
- 5 - Very divergent
- Don't know / no opinion / not applicable

Please explain the reasoning for your answer to question 46 and provide examples of divergent outcomes of supervisory practices for funds and asset managers in different Member States:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 47. Please estimate the regulatory compliance costs^[2] (including the applicable fees) for UCITS funds, their fund managers and AIFMs that arise from engagement with your current supervisor(s)

Please separate any details on costs into fees and compliance, one-off cost and on-going costs and per supervisor.

Please explain your answer providing, where possible, quantitative evidence and examples:

² including administrative costs (staff costs, facilities costs, travel, IT technology costs), professional fees (e.g. legal, accounting, consulting, etc.), and supervisory fees.

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 47.1. In particular, please provide, where possible, details on the regulatory compliance costs that arise from engagement with your current supervisor(s) on the following elements:

	Details on the cost
b) Applications for approvals of UCITS sub-funds	
c) Notifications or applications for the extension of services of an asset manager (e.g. to extend the scope of services or products offered or activities performed in the EU)	
d) Notifications to home Member State NCAs to market UCITS funds and AIFs in host Member States	
e) Notifications to Member State NCAs relating to UCITS funds' and AIFs' marketing material	
f) Notifications to Member State NCAs where changes are made to UCITS and AIF fund documentation, e.g. the KIID	
g) Supervisory approvals for fund managers, e.g. with regard to outsourcing	

h) Involvement and consultations of different bodies (e.g. colleges), supervisors, central banks, and further authorities in supervisory decisions	
i) Lack of consistent processes (e.g. different actors involved) across different supervisory procedures	
j) Legal uncertainties arising from different implementation or interpretations of the EU regulatory framework in different Member States or between Member State authorities and ESMA	
k) Duplicative or conflicting instructions from NCAs and ESMA	
l) Other (please specify)	

Question 48. To which extent do you agree with the following statements about possible benefits of more integrated EU supervision?

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) It could reduce UCITS funds, their fund managers' and AIFMs' regulatory costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) It could enhance the quality of supervision over UCITS funds, their fund managers and AIFMs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) It could simplify and accelerate the procedure to apply for authorisation of UCITS funds, their fund managers and AIFMs in the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) It could simplify and accelerate the procedure for additional authorisations of managers (e.g. to extend the scope of services or activities offered in the EU)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) It could simplify and accelerate the procedures for marketing UCITS funds and AIFs in the single market (outside the home Member State of the fund)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) It could simplify and accelerate the procedures relating to regulatory notifications and approvals of marketing materials and changes to fund documentation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

g) It could simplify and accelerate the procedures for obtaining supervisory approvals, e.g. with regard to outsourcing	<input type="radio"/>					
h) It could lead to more efficient use of supervisory resources	<input type="radio"/>					
i) It would decrease uncertainties that currently arise from different implementation or interpretations of EU Regulations in different Member States or by Member States and ESMA	<input type="radio"/>					
j) It would remove the need for market actors to deal with duplicative instructions from more than one supervisory authority	<input type="radio"/>					
k) It would create a level playing field between UCITS funds, their fund managers and AIFMs	<input type="radio"/>					
l) It would create a level playing field between EU authorised funds and fund managers on the one hand and third-country investment funds and managers on the other hand	<input type="radio"/>					
m) It would reduce the need for detailed regulations and extensive rulebooks to achieve harmonised supervision	<input type="radio"/>					
n) Other	<input type="radio"/>					

Please explain your answer to question 48. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. d), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. e), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. f), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. g), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. h), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. i), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. j), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. k), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. l), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 48. m), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 49. Do you consider that more centralised EU supervision could also produce negative side-effects?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 49:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 50. Do you have other comments on the current supervisory framework and benefits of more integrated EU supervision?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

6.6.2. How could more integrated EU supervision function?

Question 51. Please indicate to which extent you support the following possible models of more integrated EU supervision:

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) A single EU supervisor, responsible for the supervision of asset managers with significant cross-border activities, while NCAs remain responsible for the supervision for asset managers with limited or no cross-border activity, UCITS funds and AIFs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) A supervisory college, chaired by an EU supervisor, having the main responsibility for, and taking joint decisions on, the supervision of asset managers with significant cross-border activities, while NCAs remain responsible for the supervision of asset managers with limited or no cross-border activity, UCITS funds and AIFs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) A supervisory college, chaired by a "lead NCA", having the main responsibility for, and taking joint decisions on, the supervision of asset managers with significant cross-border activities, while NCAs remain responsible for the supervision of asset managers with limited or no cross-border activity, UCITS funds and AIFs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) A supervisory coordination college comprised of all relevant national competent authorities and ESMA while supervisory responsibilities remain unchanged	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Other set-up	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 51. a), providing, where possible, quantitative evidence and examples, including on potential costs and benefits, taking into account experience with voluntary colleges established so far:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 51. b), providing, where possible, quantitative evidence and examples, including on potential costs and benefits, taking into account experience with voluntary colleges established so far:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 51. c), providing, where possible, quantitative evidence and examples, including on potential costs and benefits, taking into account experience with voluntary colleges established so far:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 51. d), providing, where possible, quantitative evidence and examples, including on potential costs and benefits, taking into account experience with voluntary colleges established so far:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 51.1. Please identify the areas where EU-level supervision would provide the most benefits:

AIFMD

Please select as many answers as you like

- Authorisation, notification of material changes and withdrawal of authorisations of AIFMs (Articles 6 – 11 of AIFMD)
- Delegation of functions (Article 20 AIFMD)
- Appointment and supervision of the depositary (Article 21 AIFMD)
- Transparency requirements (Articles 22-24 AIFMD)
- Pre-marketing (Article 30a AIFMD)
- Marketing of EU AIFs in the home Member State of the AIFM (Article 31 AIFMD)
- Marketing of EU AIFs in Member States other than in the home Member State of the AIFM (Article 32 AIFMD)
- De-notification of marketing arrangements (Article 32a AIFMD)
- Management of EU AIFs established in another Member State (Article 33 AIFMD)
- Management by EU AIFMs of non-EU AIFs not marketed in Member States (Article 34 AIFMD)
- Enforcement and sanctions (Article 48 AIFMD)

UCITSD

Please select as many answers as you like

- Authorisation of UCITS (Article 5 UCITSD)
- Authorisation of UCITS management companies (Articles 6 - 8 UCITSD)
- Authorisation of UCITS investment companies (Articles 27 – 29 UCITSD)
- Delegation of functions (Article 13 UCITSD)
- Freedom of establishment and freedom to provide services for UCITS management companies (Articles 16 – 21 UCITSD)
-

Supervisory reporting (Article 20a UCITSD)

- Appointment and supervision of the depositary (Articles 22 – 26a UCITSD)
- Marketing of UCITS in other Member States (Articles 91 – 94 UCITSD)
- Enforcement and sanctions (Articles 99 -100 UCITSD)

Please explain your answer to question 51.1 providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 52. Would joint supervisory teams, composed of experts of NCAs and representatives of ESMA, under ESMA's lead, be an efficient tool to achieve a more harmonised and efficient supervision of AIFs, UCITS and their fund managers?

- 1 - Strongly agree
- 2 - Rather agree
- 3 - Neutral
- 4 - Rather disagree
- 5 - Strongly disagree
- Don't know / no opinion / not applicable

Please explain your answer to question 52:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 53. How would you expect your compliance cost to change under the supervisory model you chose in question 51?

- Strong increase: +20% or more

- Increase: +5-20%
- Neutral: +/- 0-5%
- Decrease: -5-20%
- Strong decrease: -20% or more
- Don't know / no opinion / not applicable

Please explain the reasoning for your answer to question 53 providing, as much as possible, quantitative evidence (e.g. your calculations of the evolution of your costs, splitting them between administrative costs (staff costs, facilities costs, travel, IT technology costs), professional fees (e.g. legal, accounting, consulting, etc), supervisory fees, etc.:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

6.7. Questions on the supervision of EU crypto-asset service providers (CASPs)

Question 54. To which extent do you agree with the following statements about possible benefits of more integrated EU supervision?

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) It could reduce the CASPs regulatory costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) It could enhance the quality of supervision over CASPs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) It could simplify and accelerate the procedure to apply for authorisation to provide crypto-asset services in the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) It could simplify and accelerate the procedure for additional authorisations (e.g. to extend the scope of crypto-asset services or activities offered in the EU)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) It could simplify and accelerate the procedures for obtaining supervisory approvals, e.g. with regard to outsourcing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) It could lead to more efficient use of supervisory resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) It would decrease uncertainties that currently arise from different implementation or interpretations of the EU MiCA Regulation in different Member States or by Member States and ESMA	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) It would remove the need for market actors to deal with duplicative instructions from more than one supervisory authority	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

i) It would contribute to creating a level playing field between EU CASPs by eliminating regulatory arbitrage and gold plating	<input type="radio"/>					
j) It would improve EU overview and cooperation over cross border activities	<input type="radio"/>					
k) It could improve the resilience of EU CASPs	<input type="radio"/>					
l) It would reduce the need for detailed regulations, extensive rulebooks and supervisory convergence activities to achieve harmonised supervision	<input type="radio"/>					
m) It could contribute to a harmonised understanding of complex organisational structures and the different CASP business models	<input type="radio"/>					
n) Other	<input type="radio"/>					

Please explain your answer to question 54. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. d), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. e), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. f), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. g), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. h), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. i), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. j), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. k), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. l), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 54. m), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 55. Do you consider that centralised EU supervision could also produce negative side-effects?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 55:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 56. Do you consider significant crypto-asset service providers to be subject to different risks than smaller crypto-asset service providers?

- Yes
- No
- Don't know / no opinion / not applicable

Question 57. Can these risks be addressed by supervision of crypto-asset service providers at EU level?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 57:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 58. Do you have other comments on the current supervisory framework of EU crypto-asset service providers (CASPs)?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

6.7.1. How could more integrated EU supervision of CASPs function?

Question 59. Please indicate to which extent you support the following possible models of more integrated EU supervision of CASPs:

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) A single EU-level supervisor, responsible for the licencing and supervision of all EU CASPs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) An EU-level supervisor, responsible for the supervision of a subset of CASPs, for example significant CASPs, while NCAs would be responsible for the supervision of not significant CASPs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) An EU-level supervisor over all EU CASPs, but with powers in certain key areas with other powers remaining at national level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) An EU-level supervisor, responsible for the supervision of only certain, systemic EU CASPs and with powers in certain key areas (other powers, as well as not significant CASPs to remain subject to national supervision)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) A supervisory model for significant crypto-asset service providers, like the one for issuers of significant Asset Referenced Tokens in the current MiCA regime (authorisation by the NCA and if certain criteria are met, supervision passes to EBA with the help of a supervisory college)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Other set-up	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Question 60. Would joint supervisory teams, composed of experts of NCAs and representatives of ESMA, under ESMA's lead, be an efficient tool to achieve a more harmonised and efficient authorisation, supervision and monitoring of CASPs?

- 1 - Strongly agree
- 2 - Rather agree
- 3 - Neutral
- 4 - Rather disagree
- 5 - Strongly disagree
- Don't know / no opinion / not applicable

Please explain the reasoning for your answer to question 60:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 61. Please identify under what circumstances more integrated EU supervision would provide the most benefits for CASPs:

	1 (strongly agree)	2 (rather agree)	3 (neutral)	4 (rather disagree)	5 (strongly disagree)	Don't know - No opinion - Not applicable
a) The size of the crypto-asset service provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Whether it is part of an international group/conglomerate with subsidiaries in many different Member States and/or third countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Whether it has a complex organisational structure featuring holding companies established in third countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) There is increased cross border activity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) A large percentage of its clients reside in a different Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) The crypto-asset service provider provides certain crypto-asset services deemed more complicated (i.e. operates a crypto-asset platform)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) The crypto-asset service provider relies on outsourcing arrangements with entities that are not located in the same Member State as the crypto-asset service provider	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

h) Whether the crypto-asset service provider is part of a group which includes issuers of asset referenced tokens and e-money tokens	<input type="radio"/>					
i) Other	<input type="radio"/>					

Please explain your answer to question 61. a), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 61. b), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 61. c), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 61. d), providing, where possible, quantitative evidence and examples.

Please also explain what you would consider “increased cross border activity”:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 61. e), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 61. f), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 61. g), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 61. h), providing, where possible, quantitative evidence and examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 62. Do you consider the threshold for significant CASPs in Article 85

(1) of MiCA adequate, high, or too low?

The threshold is currently 15 million active users on average in one calendar year.

- Too high
- Adequate
- Too low
- Don't know / no opinion / not applicable

Please explain your answer to question 62:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 63. Would a threshold based only on size be an appropriate criterion for supervision at EU level, or would it be more appropriate to consider further nuanced criteria, taking into account the indicators mentioned in question 61?

- A threshold based only on size would be an appropriate criterion
- It be more appropriate to consider further nuanced criteria
- Don't know / no opinion / not applicable

Please explain your answer to question 63:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

7. Horizontal questions on the supervisory framework

7.1. New direct supervisory mandates and governance models

Question 1. Would you agree that EU level supervision is beneficial to achieve a more integrated market?

- 1 - Strongly agree
- 2 - Agree
- 3 - Neutral
- 4 - Disagree
- 5 - Strongly disagree
- Don't know / no opinion / not applicable

Please explain your answer to question 1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 2. Are there other sectors of financial services, not covered in the questions on the topic of supervision where granting ESMA new direct supervisory powers should be considered?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 3. What should be the key objectives behind a decision to grant direct supervision to the ESMA?

	1 (strongly agree - very important objective)	2 (rather agree - important objective)	3 (neutral)	4 (rather disagree - less important objective)	5 (strongly disagree - not important objective)	Don't know - No opinion - Not applicable
a) Streamlined supervisory process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Single supervisory point of contact and efficiency in the engagement with a single supervisor, instead of multiple NCAs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Reduced volume of Level 2 legislation (technical standards) and supervisory guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Coherent supervisory outcomes for the EU market as a whole	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) more harmonised application of EU rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) enhanced pool of expertise and resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) building synergies and avoiding duplications,	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) ensuring a high level of supervision across EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) reduced costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j) other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer to question 3:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 4. What would be the costs (one off costs and ongoing costs) and savings for your organisation associated with new direct supervisory mandates at the EU level?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 5. Which governance do you consider most suitable for a given model of direct supervision?

a) A Supervisory Committee:

It would be composed of a limited number of independent members (employed by ESMA) and representatives of these NCAs in whose jurisdiction directly supervised entities are operating. This committee will guide the supervisory tasks given to the EU level and carried out by ESMA staff and/or joint supervisory teams. The committee could have different formations /configurations for each of the sectors supervised. In terms of decision making, three alternatives could be envisaged:

1. Final decision making by the Supervisory Committee

2. Supervisory Committee in charge but Board of Supervisors (BoS) would have a veto right on certain decisions when a set of pre-defined criteria would be met (e.g. particular political sensitivity/importance)

3. As per the current CCP Supervisory Committee, the new Supervisory Committee would prepare the decisions, but the BoS would be the final decision-making body

- b) Establishing an Executive Board composed of the Chair of ESMA and a small number of full-time independent members:**

It will take all decisions towards individual supervised entities. The BoS would ensure some NCAs involvement, and it would still be able to provide its opinion on any decision about directly supervised entities. This model would be similar to the one designed for the Anti-Money Laundering Authority (AMLA).

- c) A governance model based on the current setting of direct supervision as for example for CRAs:**

In this model, ESMA would become the sole direct supervisor without any direct participation of NCAs' staff in the authorisation and ongoing supervision. All EU NCAs would remain involved in all supervisory decisions through the BoS approval process, regardless of whether they are home NCA or not. When it comes to day-to-day supervision, this should be performed by ESMA staff. ESMA would be able to decide to delegate certain tasks to NCAs, but would continue to remain responsible for any supervisory decision.

- Don't know / no opinion / not applicable

Please explain your answer to question 5 and explain for which reasons you think this governance model is the most suitable (e.g. speed of decision making, inclusiveness of process)?

You may differentiate your reply per sector:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 6. Would you envisage a different governance model apart from one of those outlined above?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 6:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

7.2. Supervisory convergence

Please select the ESA(s) for which you want to reply in this section:

Please select as many answers as you like

- ESMA**
- EIOPA**
- EBA**

ESMA

Question 7. ESMA: Please rate the effectiveness of supervisory convergence tools in ESMA:

	1 (least effective)	2 (rather not effective)	3 (neutral)	4 (rather effective)	5 (most effective)	Don't know - No opinion - Not applicable
Breach of Union law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Binding mediation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Peer reviews	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Emergency powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opinions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recommendations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Product intervention powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inquiries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No action letters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Colleges of supervisors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordination groups	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Collaboration platforms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Warnings	<input type="radio"/>					
Questions and Answers	<input type="radio"/>					
Supervisory handbooks	<input type="radio"/>					
Stress tests	<input type="radio"/>					
Union strategic supervisory priorities	<input type="radio"/>					
Other	<input type="radio"/>					

Please specify to what other convergence tool(s) you refer in your answer to question 7 for ESMA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 7 for ESMA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

EBA

Question 7. EBA: Please rate the effectiveness of supervisory convergence tools in EBA:

	1 (least effective)	2 (rather not effective)	3 (neutral)	4 (rather effective)	5 (most effective)	Don't know - No opinion - Not applicable
Breach of Union law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Binding mediation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Peer reviews	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Emergency powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opinions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recommendations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Product intervention powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inquiries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No action letters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Colleges of supervisors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordination groups	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Collaboration platforms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Warnings	<input type="radio"/>					
Questions and Answers	<input type="radio"/>					
Supervisory handbooks	<input type="radio"/>					
Stress tests	<input type="radio"/>					
Union strategic supervisory priorities	<input type="radio"/>					
Other	<input type="radio"/>					

Please specify to what other convergence tool(s) you refer in your answer to question 7 for EBA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please explain your answer to question 7 for EBA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

7.3. Increasing the effective use of supervisory convergence tools

Please select the ESA(s) for which you want to reply in this section:

Please select as many answers as you like

- ESMA**
- EIOPA**
- EBA**

ESMA

Question 8. ESMA: Do you think that the current supervisory convergence tools are used effectively and to the extent that is possible?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 8 for ESMA and give examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9. ESMA: Do you think that the current governance and decision-making processes within ESMA provide sufficient incentives for the use of supervisory convergence tools?

- Yes
- No
- Don't know / no opinion / not applicable

Question 10. ESMA: How could the mandate of the Chair and Executive Director of ESMA be modified to allow them to act more independently and effectively in promoting supervisory convergence?

- Prohibition of re-election
- Longer term
- Other
- Don't know / no opinion / not applicable

Please explain your answer to question 10 for ESMA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 11. ESMA: [For NCAs] Did resource constraints ever hinder or prevent the use of supervisory convergence tools?

- Yes
- No

- Don't know / no opinion / not applicable

Please explain your answer to question 11 for ESMA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

7.4. Enhancements to existing tools

Please select the ESA(s) for which you want to reply in this section:

Please select as many answers as you like

- ESMA**
- EIOPA**
- EBA**

ESMA

Question 12. ESMA: Do you see limitations or weaknesses in supervisory convergence tools in addressing significant divergences in supervisory practices between NCAs?

	Yes	No	Don't know - No opinion - Not applicable
Breach of Union law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Binding mediation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Peer reviews	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Emergency powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opinions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recommendations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Product intervention powers	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inquiries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No action letters	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Colleges of supervisors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordination groups	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Collaboration platforms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Warnings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Questions and answers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervisory handbook	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stress tests	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Union Strategic Supervisory Priorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(ESMA) If you responded "yes" for breach of Union law, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for binding mediation, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for peer reviews, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for emergency powers, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for **opinions, please explain:**

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for **recommendations, please explain:**

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for **product intervention powers, please explain:**

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for inquiries, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for no action letters, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Adding no action letters to the toolbox of the ESAs with the last ESAs Review was a useful measure which has proven to be effective in times of stress and/or uncertainty. The tool has enabled the ESAs to recognize in some instances the challenges for the industry in implementing comprehensive legislation within specific timeframes, for instance when critical Level 2 standards are not available in time to ensure compliance with Level 1 instructions. We have, however, noted that the ESAs have issued only a very limited number of no action letters since the 2019 ESA Review entered into force compared to forbearance statements to ensure coordinated approaches among NCAs, in particular during the Covid-19 pandemic. We understand from the ESAs that the current tools is not providing sufficient basis for them to temporarily postpone the application of certain provisions as they would like to. In the spirit of simplification and burden reduction, the effectiveness of the tool should be assessed and, if needed, the ESAs should be equipped with more solid legal basis to issue no actions letters, bringing them closer to the no action letter regimes of other jurisdictions.

(ESMA) If you responded "yes" for *guidelines*, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for *colleges of supervisors*, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for *coordination groups*, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for collaboration platforms, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for warnings, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for questions and answers, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for **supervisory handbook, please explain:**

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

(ESMA) If you responded "yes" for **stress tests, please explain:**

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

DBG strongly welcomes the conducted stress tests for its entities as they contribute to having comprehensive overview of market robustness.

Nevertheless, elements of the ESMA CCP stress test methodology for example continue changing between stress test exercises to the extent that makes it challenging for participating entities to prepare accordingly and which do not allow for comparable results between stress tests. Whilst being aware that the methodology needs to be adjustable to react to market developments, in the spirit of simplification and burden reduction, it would be useful to stabilize the exercise.

(ESMA) If you responded "yes" for Union Strategic Supervisory Priorities, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please specify to what other convergence tool(s) you refer in your answer to question 12 for ESMA, and please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 13. ESMA: ESMA founding regulations and sectoral legislation lay down the requirements to delegate tasks and responsibilities both from NCAs to ESMA or from ESMA to NCAs. This tool has been rarely used.

What kind of changes would be warranted to increase its usability?

Please explain, highlighting benefits and downsides:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

EBA

Question 12. EBA: Do you see limitations or weaknesses in supervisory convergence tools in addressing significant divergences in supervisory practices between NCAs?

	Yes	No	Don't know - No opinion - Not applicable
Breach of Union law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Binding mediation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Peer reviews	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Emergency powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Opinions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Recommendations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Product intervention powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inquiries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
No action letters	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Colleges of supervisors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordination groups	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Collaboration platforms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Warnings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Questions and answers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervisory handbook	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stress tests	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Union Strategic Supervisory Priorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

(EBA) If you responded "yes" for stress tests, please explain:

- **why you see limitations or weaknesses and in which specific areas**
- **what concrete changes you would propose to address the limitations or weaknesses flagged and make these tools more effective**

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

DBG strongly welcomes the conducted stress tests for its entities as they contribute to having comprehensive overview of market robustness.

In addition, whilst being aware again that the EBA stress tests aim to ensure resilience and liquidity preparedness of EU market participants, it should be noted that EBA's stress testing regime of banks also has implications on meeting the political objectives of the central clearing mandate. The EU stress testing regime for banks applies highly conservative scenarios in the testing of counterparty credit risk – also in comparison to other jurisdictions. In addition, the assumptions do not differentiate between uncollateralized; uncleared but fully margined; and centrally cleared transactions. An unintended consequence is that banks offering client clearing services are constrained in the volume of business they can do with safe, high creditworthiness counterparties (e.g. pension funds, small banks). Whilst the use of OTC derivatives is growing year-on-year, the number and capacity of clearing member banks is further declining, and the stress testing regime may be accelerating this development. Some clearing member banks' response to the very conservative EBA stress testing regime of pulling out of client clearing services is therefore not conducive to the objectives of the clearing mandate. If access to central clearing for end-clients is impaired, this may lead end-clients exposed to OTC markets only. Therefore, the safeguards of centrally cleared transactions should be recognized in EBA's bank stress testing scenario and methodology design so that the impact on central clearing is more proportionate to the risks to the financial system and consistent with the broader policy objectives of the clearing mandate.

Question 13. EBA founding regulations and sectoral legislation lay down the requirements to delegate tasks and responsibilities both from NCAs to EBA or from EBA to NCAs. This tool has been rarely used.

What kind of changes would be warranted to increase its usability?

Please explain, highlighting benefits and downsides:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

7.5. Possible new supervisory convergence tools

Please select the ESA(s) for which you want to reply in this section:

Please select as many answers as you like

- ESMA**
- EIOPA**
- EBA**

ESMA

Question 14. ESMA: Do you see limitations in the current supervisory convergence tools to address home/host issues?

- Yes
 - No
 - Don't know / no opinion / not applicable
-

Question 15. ESMA: In the context of supervision of products or of conduct of business rules, supervisory convergence powers could be reinforced. ESMA may identify cases where home supervision is deemed ineffective either through ongoing monitoring or in response to a specific complaint. For example, ESMA could be given the power to issue an opinion/binding advice regarding ineffective national supervision to avoid that products or entities are granted access to the EU-market without adequate supervision.

Do you think that ESMA should be empowered to issue an opinion in cases where national supervision is deemed ineffective?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 15 on ESMA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 16. ESMA: Do you think ESMA should be empowered to issue a binding advice in cases where national supervision is deemed ineffective?

- Yes
- No
- Don't know / no opinion / not applicable

Question 17. ESMA: What would be the cost and expected benefit of such a system?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 18. ESMA: Are there additional supervisory convergence tools that should be introduced?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 18 for ESMA and provide an example:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

7.6. Data and technology hub

Please select the ESA(s) for which you want to reply in this section:

Please select as many answers as you like

- ESMA**
- EIOPA**
- EBA**

ESMA

Question 19. ESMA: Which area(s) would benefit most from an ESMA's enhanced role as a data and technology hub?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 20. ESMA: In which sectors/areas would the development of supervisory technology tools (suptech, i.e. use of technology by supervisors to deliver innovative and efficient supervisory solutions that will support a more effective, flexible and responsive supervisory system) be most beneficial to enhance efficiency and consistency of supervision?

Please give examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 21. ESMA: How should ESMA's suptech tools be funded?

Please select as many answers as you like

- Privately by the supervised sector which would benefit from them
- Charges from NCAs proportionate to the use of the tool
- General budget (EU/NCA)
- Other

Please explain your answer to question 21 on ESMA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

7.7. Funding

Please select the ESA(s) for which you want to reply in this section:

Please select as many answers as you like

- ESMA**
-

EIOPA

EBA

ESAs' budget is currently composed of:

- contributions from the NCAs which are complemented by a contribution from the EU budget, with NCAs contributing 60% and the EU budget 40%
- In case of direct supervisory mandates, also of fees charged to market participants to cover the full costs of direct supervisory activities. ESMA has nine separate fee income streams and they represent approx. 30% of ESMA's revenue
- other payments from NCAs for ESAs to be able to undertake tasks on their behalf

ESMA

Question 22. ESMA: Do you consider the provisions on financing and resources for the tasks and responsibilities of ESMA appropriate?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 22 for ESMA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 23. ESMA: faces pressure to fulfil a growing number of mandates while staying within the ceilings of the multi-annual financial framework (MFF).

Taking into account the limitations of public financing, should ESAs be fully funded by the financial sector?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 23 for ESMA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 23.1. ESMA: would you be in favour of targeted indirect industry funding for certain convergence work (indirect fees), e.g. for specific tasks, like voluntary colleges, opinions, etc.?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 23.1 for ESMA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 24. ESMA: Do you think the current framework includes sufficient checks and balances to ensure that EMSA makes efficient and effective use of its budget?

- Yes
- No
- Don't know / no opinion / not applicable

Please explain your answer to question 24 for ESMA:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 25. ESMA: Which of the following measures could be envisaged to ensure efficiency and effectiveness of ESMA budget?

Please select as many answers as you like

- Periodic performance audits assess the organisation's efficiency and effectiveness in executing its mandates, using resources, and achieving its goals
- Stronger role for the Commission on budgetary matters (at present, the Commission has no voting rights except the budget where it has one vote)
- Veto power for the Commission on the budget
- Transparency and monitoring mechanisms
- An obligation to publish details on the calculation and use of the fees charged to directly supervised entities
- Other

Please explain your answer to question 25 for ESMA and provide additional details:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Additional information

Should you wish to provide additional information (e.g. a position paper, report) or raise specific points not covered by the questionnaire, you can upload your additional document(s) below. **Please make sure you do not include any personal data in the file you upload if you want to remain anonymous.**

The maximum file size is 1 MB.

You can upload several files.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Useful links

[More on this consultation \(https://finance.ec.europa.eu/regulation-and-supervision/consultations-0/targeted-consultation-integration-eu-capital-markets-2025_en\)](https://finance.ec.europa.eu/regulation-and-supervision/consultations-0/targeted-consultation-integration-eu-capital-markets-2025_en)

[Consultation document \(https://finance.ec.europa.eu/document/download/8c77fb5f-4fe6-4fa0-8fe6-293a94c43b26_en?filename=2025-markets-integration-supervision-consultation-document_en.pdf\)](https://finance.ec.europa.eu/document/download/8c77fb5f-4fe6-4fa0-8fe6-293a94c43b26_en?filename=2025-markets-integration-supervision-consultation-document_en.pdf)

[More on savings and investments union \(https://finance.ec.europa.eu/regulation-and-supervision/savings-and-investments-union_en\)](https://finance.ec.europa.eu/regulation-and-supervision/savings-and-investments-union_en)

[Specific privacy statement \(https://finance.ec.europa.eu/document/download/0509b999-58ff-40e0-a1d0-dd723da2b7df_en?filename=2025-markets-integration-supervision-specific-privacy-statement_en.pdf\)](https://finance.ec.europa.eu/document/download/0509b999-58ff-40e0-a1d0-dd723da2b7df_en?filename=2025-markets-integration-supervision-specific-privacy-statement_en.pdf)

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