



European Securities and
Markets Authority

Reply form for the Addendum Consultation Paper on MiFID II/MiFIR



Responding to this paper

The European Securities and Markets Authority (ESMA) invites responses to the specific questions listed in the ESMA Addendum Consultation Paper on MiFID II/MiFIR, published on the ESMA website.

Instructions

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

- use this form and send your responses in Word format (pdf documents will not be considered except for annexes);
- do not remove the tags of type <ESMA_QUESTION_CP_TR_ORK_CS_1> - i.e. the response to one question has to be framed by the 2 tags corresponding to the question; and
- if you do not have a response to a question, do not delete it and leave the text “TYPE YOUR TEXT HERE” between the tags.

Responses are most helpful:

- if they respond to the question stated;
- contain a clear rationale, including on any related costs and benefits; and
- describe any alternatives that ESMA should consider

Naming protocol

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

ESMA_CP_TR_ORK_CS_NAMEOFCOMPANY_NAMEOFDOCUMENT.

E.g. if the respondent were XXXX, the name of the reply form would be:

ESMA_CP_TR_ORK_CS_XXXX_REPLYFORM or

ESMA_CP_TR_ORK_CS_XXXX_ANNEX1

To help you navigate this document more easily, bookmarks are available in “Navigation Pane” for Word 2010 and in “Document Map” for Word 2007.

Deadline

Responses must reach us by **23 March 2016**.

All contributions should be submitted online at <https://www.esma.europa.eu/> under the heading ‘Your input/Consultations’.



Publication of responses

All contributions received will be published following the end of the consultation period, unless otherwise requested. **Please clearly indicate by ticking the appropriate checkbox in the website submission form if you do not wish your contribution to be publicly disclosed. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure.** Note also that a confidential response may be requested from us in accordance with ESMA's rules on access to documents. We may consult you if we receive such a request. Any decision we make is reviewable by ESMA's Board of Appeal and the European Ombudsman.

Data protection

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



Introduction

Please make your introductory comments below, if any:

<ESMA_COMMENT_CP_TR_ORK_CS_1>

FIA members would like to thank ESMA for the opportunity to comment on the consultation paper. Members would like to point out that this type of consultation is preferable to a question and answer approach and gives firms the chance to state their concerns ahead of legislation implementation. FIA members hope that ESMA finds the comments and examples included in the response informative and useful. Should ESMA require any clarification on any of the points or examples raised in the response FIA would be happy to provide further information.

FIA would also like to point out that in all of the examples below we have not populated ALL reportable fields. In the interest of brevity we have limited ourselves to the key fields that we are raising questions around

<ESMA_COMMENT_CP_TR_ORK_CS_1>

Q1: Are there any other scenarios which you think should be covered?

<ESMA_QUESTION_CP_TR_ORK_CS_1>

- a. Clarification around the requirement to register centralised reporting engines as an ARM

FIA members seek further clarity on the potential requirement to register as an ARM if submitting reports for another legal entity:

- We assume that this does not have an impact in the scenario where multiple firms within a group route transaction data to a registered ARM through any co-owned or group-owned infrastructure. In either situation each firm would be submitting its own data to the ARM
- We assume that this provision does not apply in the scenario where firms report on behalf of other firms within the same group
- We assume that this provision does not apply to reports submitted by a firm to a registered ARM containing data supplied by a client of that firm under the Receipt and Transmission of Order (RTO) framework as described in RTS 22
- Further, we assume that this provision does not apply to firms, including third country firms using group-owned infrastructure, who submit reports to a registered ARM on behalf of the counterparty to their trade

We understand ESMA and NCAs would like to receive more data about a typical reporting engine.

Most large firms use a central reporting engine or hub approach:

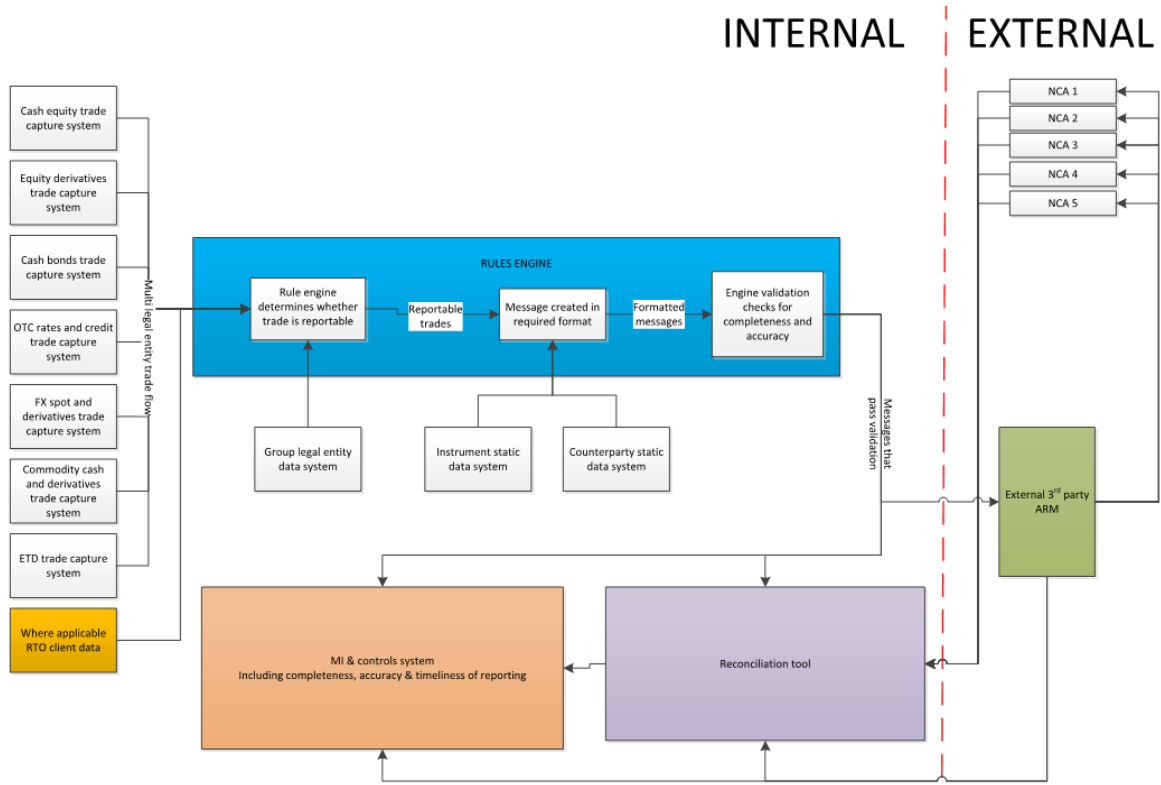
- The engine receives data from different trade capture systems that are common to multiple legal entities within a group.
- The engine determines whether trades are reportable, and for reportable trades the engine creates messages in the required format using data such as ISINs and LEIs from static data systems.
- The engine then checks the message for individual attribute completeness and accuracy, business rules such as content dependencies between fields, logical validations (e.g. cannot cancel a message that has not been accepted by an ARM) etc.
- Messages that pass all the above checks are sent to the ARM by each entity.
- Exception management processes include configurable workflow, notification and escalation of issues, plus procedures, processes and tools to deal with incidents and issue escalation and resolution.

The ARM will complete its own additional validation checks and messages that pass these checks are forwarded to the relevant Competent Authorities.

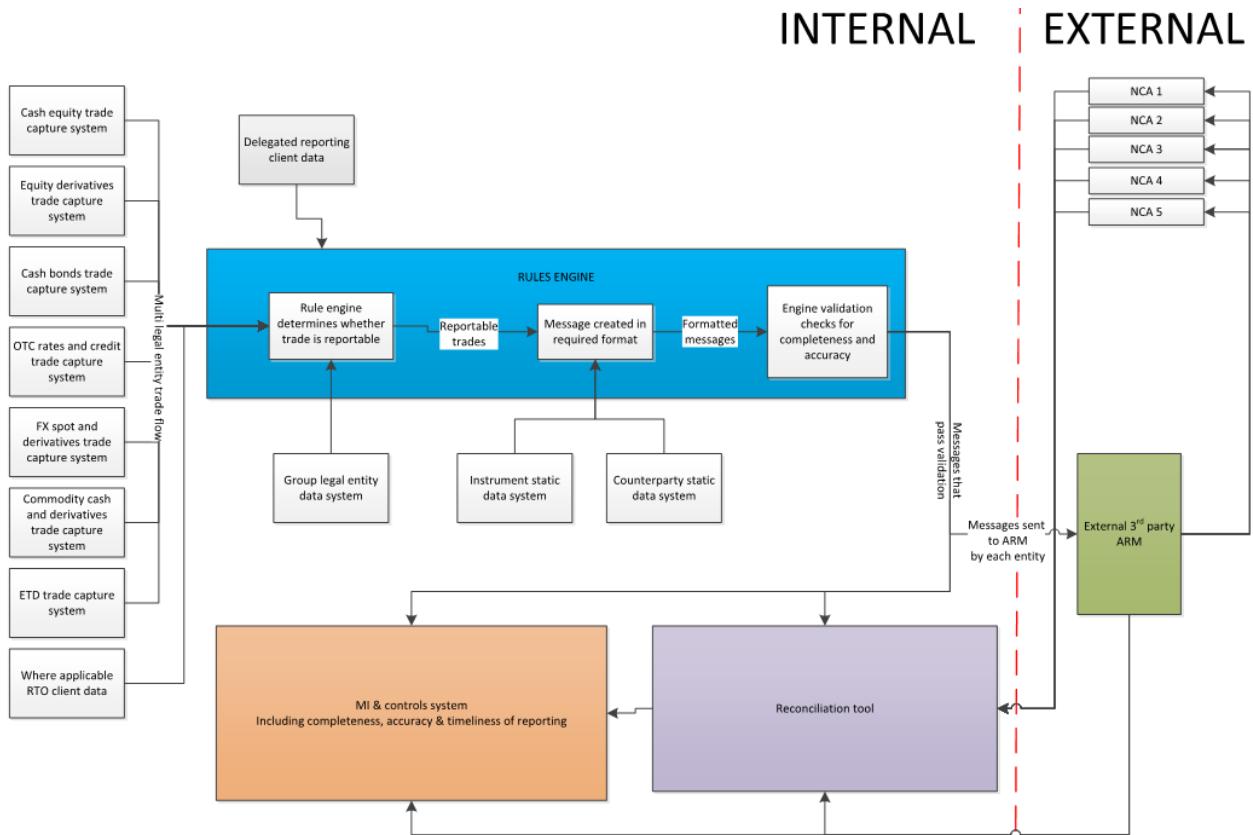
Feedback from the ARM and from the Competent Authorities is fed along with messages from the engine to the firms reconciliation tool, plus its MI (Management Information) and controls system for further processing and data analysis. Business as usual monitoring ensures that files are received, batches reconciled and reconciliations processed. Data analysis includes tolerance level checking to provide early warning of potential issues, trend analysis to allow detection of issues and remediation processes to address root causes of issues. It also permits close control of the issues log and enables firms to track to resolution.

The only differences between a firm submitting on behalf of itself and providing a transmission and / or delegated reporting service are the inclusions of the 'where applicable RTO data' and 'Delegated client reporting data' boxes in the diagram below.

- i. - Representation showing centralised engine where receipt and transmission of order takes place



ii.- Representation showing centralised engine where receipt and transmission of order and delegated reporting takes place



b. Clarification around the use of trading capacity “MTCH” for ETDs

The FIA industry standard client agreements state:

“In respect of every Transaction made between you and us subject to the Rules of a Market, we shall, unless otherwise agreed in relation to a particular Market, act as principal in any Transaction with you. We shall have made (or arranged to have made through an intermediate broker who may be an associate) on a principal-to-principal basis a matching Transaction on the relevant Market or shall accept the allocation to us of such a Transaction.....”
and

“In respect of a Transaction made between us and a Market pursuant to the Rules of such Market (a “Market Transaction”) and arising from an agreement made by you through a broker, multilateral or other trading facility, counterparty or any other person, a matching Transaction on a principal-to-principal basis will become binding and conclusive on you and us immediately upon the Market Transaction coming into effect pursuant to the Rules of the Market, whether or not the details of the Transaction have previously been confirmed to us by you.”

We believe that the use of the ‘immediately’ and the use of ‘principal-to-principal’ indicates that an investment firm is acting in a matched principal capacity.

For ETDs, if

- an investment firm is acting in a matched principal capacity, and
- the investment firm executes for a Fund Manager who allocates the transaction across a number of funds, and
- the Fund Manager is a transmitting firm and the investment firm is a receiving firm, and
- the executions on the trading venue do not match the allocation shapes to the individual funds,



The investment firm's report will need to use 'INTC' to represent the buyer / seller identification code in fields 7 / 16.

In addition, as the allocations will not occur on a 1-for-1 basis with the fills on the trading venue an average price will need to be used to allocate the required quantity to the underlying funds.

Please see below examples of how FIA members intend to report for Deal, Matched Principal and AOTC. Examples A – C outline scenarios where Transmission of Order has taken place. Members would appreciate if ESMA could confirm any required changes if the following examples are not appropriate.

A - Trading Capacity - DEAL

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a DEAL capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:05	10:05	10:05
29	Trading capacity	DEAL	DEAL	DEAL	DEAL	DEAL
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	NI number of Investment Firm X Trader / Desk Head	NI number of Investment Firm X Trader / Desk Head	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of last fill
						Average price

B - Trading Capacity - MTCH

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a MTCH capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	MTCH	MTCH	MTCH	MTCH	MTCH
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	<BLANK>	<BLANK>	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

C - Trading Capacity – AOTC

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a AOTC capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	-	-	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	-	-	-	-	-
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	-	-	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	-	-	-	-	-
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	NI number of Investment Firm X Trader / Desk Head	NI number of Investment Firm X Trader / Desk Head	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of 1st Fill
						Average price



c. Identification of Buyer / Seller Field 7 & 16

FIA Members request guidance on the population of fields 7 and 16 (the Buyer / Seller identification code). The examples show possible ways to represent a transaction with the report either identifying the Fund Manager as the Buyer or the Fund. Currently there appear to be inconsistencies on the interpretation of the text, with the FCA advising that the client is the Fund Manager and the BaFin looking for the Fund to be identified. FIA would appreciate a consistent definition from ESMA of these fields and confirmation of which example is correct.

Details of the scenarios below:

Examples D & E show how we envisage reporting could look for one execution, one allocation where example D shows reporting the Fund Manager as the Buyer and example E identifies the Fund as the Buyer. Examples G & H show how we envisage reporting could look for one execution, multiply allocations where example G shows reporting the Fund Manager as the Buyer and example H identifies the Fund as the Buyer.

Example F shows how we envisage reporting could look for one execution, where transactions are given out for clearing, where the Fund manager only supplies the Clearing Broker with the end client allocation, therefore the Executing Broker has to identify the Fund Manager as the Buyer.

Could ESMA please confirm that FIA members interpretation of reporting is correct?

Example D : Scenario Full Service Alloc FM

Example E : Scenario Full Service Alloc fund

Example F : Scenario Give out Clearing using AOTC Capacity

Example G: Scenario Full service Mult FM

Example H: Scenario Full Service Fund

Field ID	Field Name	Report 1 Field Value	Report 2 Field Value
<p>Scenario Full Service Alloc FM Investment Firm IFA Fund Manager FMA Fund 1 Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities Investment Firm IFA and Fund manager FMA are acting in AOTC capacity Fund Manager FMA is buying under a power of representation on behalf of Funds 1</p> <p>An order to Buy 700 lots of an Option was executed in one shape of 700 @ EUR 17.00 on the 9th June 2017 at 11:45:00</p> <p>The Fund Manager places the order and confirms the following allocations all to Fund 1 at point of execution IFA reports the Fund Manager as the Buyer The following reports were submitted: Report 1: From Investment Firm IFA where they are executing the 700 lots Report 2: From the Fund Manager FMA reports allocation for Fund 1</p>			
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value
3	Trading venue Identification Code	Code from Venue	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	LEI of Fund 1
12	Buyer decision maker code	-	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm
21	Seller decision maker code	-	-
25	Transmission of order indicator	FALSE	TRUE
26	Transmitting form identification code for the buyer	-	-
27	Transmitting form identification code for the seller	-	-
28	Trading date time	2017-06-09T11:45:00	2017-06-09T11:45:00
29	Trading capacity	AOTC	AOTC
30	Quantity	700	700
33	Price	17	17
36	Venue	MIC of Venue	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager

Please see above Example D

Scenario Full service Alloc Fund				
Investment Firm IFA				
Fund Manager FMA				
Fund 1				
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities				
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity				
Fund Manager FMA is buying under a power of representation on behalf of Funds 1				
An order to Buy 700 lots of an Option was executed in one shape of 700 @ EUR 17.00 on the 9th June 2017 at 11:45:00				
The Fund Manager places the order and confirms the following allocations all to Fund 1 at point of execution				
IFA reports the Fund Manager as the Buyer				
The following reports were submitted:				
Report 1: From Investment Firm IFA where they are executing the 700 lots				
Report 2: From the Fund Manager FMA reports allocation for Fund 1				
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	
3	Trading venue Identification Code	Code from Venue	-	
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	
7	Buyer identification code	LEI of Fund 1	LEI of Fund 1	
12	Buyer decision maker code	LEI of Fund Manager FMA	LEI of Fund Manager FMA	
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	
21	Seller decision maker code	-	-	
25	Transmission of order indicator	FALSE	TRUE	
26	Transmitting form identification code for the buyer	-	-	
27	Transmitting form identification code for the seller	-	-	
28	Trading date time	2017-06-09T11:45:00	2017-06-09T11:45:00	
29	Trading capacity	AOTC	AOTC	
30	Quantity	700	700	
33	Price	17	17	
36	Venue	MIC of Venue	XOFF	
41	Instrument identification code	ISIN of the contract	ISIN of the contract	
57	Investment decision within firm	-	NI number of Fund Manager	
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	

Please see above example E

Scenario Give Out for Clearing Using AOTC Capacity					
Investment Firm IFA					
Fund Manager FMA					
Clearing Broker CBA					
Funds 1 & 2					
Investment Firm IFA, Clearing Broker CBA and Fund Manager FMA are all MiFID II registered entities					
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity					
Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2					
An order to Buy 500 lots of an Option was executed in one shape of 500 @ EUR 15.00 on the 9th June 2017 at 11:00:00					
The Fund Manager confirms the following allocations: Fund 1 (300) & Fund 2 (200) to the Clearing Broker					
The following reports were submitted:					
Report 1: From Investment Firm IFA where they have executed 500 lots					
Report 2: From the Fund Manager FMA report for INTC					
Report 3: From the Fund Manager FMA reports allocation for Fund 1					
Report 4: From the Fund Manager FMA reports allocation for Fund 2					
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value
3	Trading venue Identification Code	Code from Venue	-	-	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code	-	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-
25	Transmission of order indicator	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the buyer	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-
28	Trading date time	2017-06-09T11:00:00	2017-06-09T11:00:00	2017-06-09T11:00:00	2017-06-09T11:00:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC
30	Quantity	500	500	300	200
33	Price	15	15	15	15
36	Venue	MIC of Venue	XOFF	XOFF	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
Clearing broker will not Transaction Report in this case					

Scenario Full Service Mult FM

Investment Firm IFA

Fund Manager FMA

Funds 1 & 2

Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities

Investment Firm IFA and Fund manager FMA are acting in AOTC capacity

Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2

An order to Buy 600 lots of an Option was executed in one shape of 600 @ EUR 16.00 on the 9th June 2017 at 11:30:00

The Fund Manager confirms the following allocations: Fund 1 (350) & Fund 2 (250) later in the day at 1:00 pm

The following reports were submitted:

Report 1: From Investment Firm IFA where they executed 600 lots

Report 2: From the Fund Manager FMA report for INTC

Report 3: From the Fund Manager FMA reports allocation for Fund 1

Report 4: From the Fund Manager FMA reports allocation for Fund 2

Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value
3	Trading venue Identification Code	Code from Venue	-	-	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code		-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-
25	Transmission of order indicator	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the buyer	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-
28	Trading date time	2017-06- 09T11:30:00	2017-06- 09T11:30:00	2017-06- 09T11:30:00	2017-06-09T11:30:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	600	350	250
33	Price	16	16	16	16
36	Venue	MIC of Venue	XOFF	XOFF	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

Scenario Full Service Fund	
Investment Firm IFA	
Fund Manager FMA	
Funds 1 & 2	
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities	
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity	
Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2	
An order to Buy 600 lots of an Option was executed in one shape of 600 @ EUR 16.00 on the 9th June 2017 at 11:30:00	
The Fund Manager confirms the following allocations: Fund 1 (350) & Fund 2 (250) later in the day at 1:00 pm	
The following reports were submitted:	
Report 1: From Investment Firm IFA where they executed 600 lots	
Report 2: From Investment Firm IFA where they have received Fund 1 allocation of 350	
Report 3: From Investment Firm IFA where they have received Fund 2 allocation of 250	
Report 4: From the Fund Manager FMA report for INTC	
Report 5: From the Fund Manager FMA reports allocation for Fund 1	
Report 6: From the Fund Manager FMA reports allocation for Fund 2	

Field	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value	Report 6 Field Value
3	Trading venue identification	Code from Venue	-	-	-	-	-
4	Executing Entity identification	LEI of IFA Investment Firm	LEI of IFA Investment Firm	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification	INTC	LEI of Fund 1	LEI of Fund 2	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification	LEI of CCP	INTC	INTC	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-	-	-
25	Transmission of order indicator	FALSE	FALSE	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the	-	-	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-	-	-
28	Trading date time	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	350	250	600	350	250
33	Price	16	16	16	16	16	16
36	Venue	MIC of Venue	XOFF	XOFF	XOFF	XOFF	XOFF
41	Instrument identification	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within	-	-	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

d. Clarification on the population of Field 29 (“Trading Capacity”)

For ETDs, it is the assumption of the FIA members that for Transaction Reporting we should populate ‘Trading Capacity’ (Field 29 of Table 2 Annex 1) as follows:

- Deal – if dealing on own account (proprietary business model).
- Matched Principal – where the firm has executed a client order on a Trading Venue solely to fulfil a client order and is trading in a principal capacity.
- AOTC – where client’s trade is executed directly on the book of a client (agency model).



<ESMA_QUESTION_CP_TR_ORK_CS_1>

Q2: Are there any areas in Part I covered above that require further clarity? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_2>

Clarification on product scope

Please see below list of contracts traded on Non-EEA trading venues that FIA members deem to be out of Scope for MIFID II/ MIFIR reporting. Could ESMA please confirm that this understanding is correct?

Please be advised that this list is non-exhaustive and represents a sample of products that would be out of scope. Please confirm that similar contracts traded on a Non-EEA trading would also be out of scope.

The following Exchange Traded Derivatives are out of scope for MiFID II transaction reporting:						
KRX Korean Stock Futures where the underlying company is listed on the London Stock Exchange.						
- Traded as Global Depository Receipts (GDRs) on LSE and not the shares						
- LSE and Korean ISIN issuers are different						
Company on LSE	LSE Sector	Country of Incorporation	LSE ISIN	Product Traded	Share registration	Korea ISIN
HANATOUR SERVICE INC	Travel & Leisure	KR	US4096502079	GDR	NYSE and KSE	KR7039130000
HYUNDAI MOTOR CO	Automobiles & Parts	KR	US4491877076	GDR	NYSE and KSE	KR7069960003
KUMHO TIRE CO INC	Automobiles & Parts	KR	US50125M2052	GDR	NYSE and KSE	KR7011780004
LG ELECTRONICS INC	Leisure Goods	KR	US50186Q2021	GDR	NYSE and KSE	KR7001120005
LOTTE SHOPPING CO LTD	General Retailers	KR	US54569T1060	GDR	NYSE and KSE	KR7005300009
MACQUARIE KOREA INFRASTRUCTURE FUND	Industrial Transportation	KR	US5560822042	GDR	NYSE and KSE	KR7088980008
MANDO MACHINERY CORP	Oil & Gas Producers	KR	USY576241019	GDR	NYSE and KSE	KR7204320006
SAMSUNG ELECTRONICS CO	Leisure Goods	KR	US7960508882	GDR	NYSE and KSE	KR7005930003
SK TELECOM	Mobile Telecommunications	KR	US78440P1084	GDR	NYSE and KSE	KR7017670001
KRX Korean 200 Option Products - A product with very similar contract specifications is listed on EUREX, the German Exchange						
- Different contracts : Eurex KOSPI is a one day cash settled contract. KRX Korean 200 Option Product is a quarterly cash settled contract.						
- Eurex and Korean ISIN issuers are different						
EUREX Product	Contract Specification	Country of Incorporation	EUREX Product Level ISIN	Product Traded		Korea Detailed Contract ISIN
EUREX KOSPI Product (OKS2)	One day cash settled contract	KR	DE000A1A4Q13	Listed Options		KR4101KC0007
TSE Japanese Government Bond 10 Year Futures - A product with very similar contract specifications is listed on LIFFE, the UK Futures Exchange						
- Different contracts : LIFFE JGB is a one day cash settled contract. TSE JGB is a 3 month physically settled contract.						
- No ISINs available however the contract codes are different						
LIFFE Product	Contract Specification	Country of Incorporation	LIFFE Contract Code	Product Traded		TSE Contract Code
LIFFE Japanese Government Bond 10 Year Future	One day cash settled contract	JP	LFJGB	Futures		JGB
CME EUR / USD FX Future - A product with very similar contract specifications is listed on EUREX, the German Exchange						
- Different contracts : The underlying contract delivery on EUREX is Euros 100,000. On CME, the contract delivery is also EUROS but the size is EUR 125,000.						
- Contracts are not fungible and on expiry are settled separately at their respective CCPs.						
EUREX Product	Contract Specification	Country of Incorporation	EUREX Contract Code	Product Traded		CME Contract Code
EUREX EUR / USD FX Future	Quarterly cash settled Future	DE	DE000A1N53R4	Futures		EC

FIA members would further appreciate if ESMA were able to make available a list of reportable (in-scope) MIFID products that are available for trading on non-EEA trading venues.

Clarification on Reporting against the CCP

FIA members understand that when executing a Listed Derivatives Contract outside the Trading Venue but subject to the Trading Venue rules (Consultation Paper reference Section 1.1.4) e.g. a pre-negotiated wholesale Trade such as a Eurex Block Trade, then members are to report the Buyer / Seller Identification as the Submitting Member Firm against the CCP as determined on the Market Side.

Members would appreciate if ESMA were to provide clarification if this is not correct.



<ESMA_QUESTION_CP_TR_ORK_CS_2>

Q3: Are there any other situations on reportable transactions or exclusions from transactions where you require further clarity?

<ESMA_QUESTION_CP_TR_ORK_CS_3>

Exclusion of collateral transfers

FIA members understand that the definition of a transaction does not include transfers of collateral. While there is scope to argue that a collateral exchange may be included, we are confident that they are not intended to be caught for the following reasons:

- To constitute a “transaction” there needs to be an “acquisition” or “disposal” within the meaning of Articles 2(2) and (3) of RTS 22
- Collateral transfers are not purchases or sales, entering into or closing out derivative contracts, increasing or decreasing the notional amount for a derivative contract.

Articles 2(2) and (3) of RTS 22 clarify and expand the scope of transactions under MiFID 1. We therefore do not believe there is a legal basis for the inclusion of collateral transfers under MiFIR. Initial analysis also suggests that the exclusions under RTS 22 Article 5 b) & c) could be applied to collateral movements. Collateral transfers do not allow an investment firm to commit market abuse and therefore would be of no interest to regulators seeking to monitor the safety and soundness of the EU’s capital markets.

FIA members would appreciate if ESMA could provide clarification if the above understanding is not correct.

Clarification on population of Field 65 (Securities financing transaction indicator)

FIA members assume unless indicated otherwise by ESMA that Field 65 does not apply to Exchange Traded Derivatives for Transaction Reporting.

FIA members would appreciate if ESMA could provide clarification if the above understanding is not correct.

<ESMA_QUESTION_CP_TR_ORK_CS_3>

Q4: Are there any specific areas covered by the mechanics section where you require further clarity? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_4>

Clarification around the requirement to register centralised reporting engines as an ARM

FIA members seek further clarity on the potential requirement to register as an ARM if submitting reports for another legal entity:

- We assume that this does not have an impact in the scenario where multiple firms within a group route transaction data to a registered ARM through any co-owned or group-owned infrastructure. In either situation each firm would be submitting its own data to the ARM.
- We assume that this provision does not apply in the scenario where firms report on behalf of other firms within the same group.
- We assume that this provision does not apply to reports submitted by a firm to a registered ARM containing data supplied by a client of that firm under the Receipt and Transmission of Order (RTO) framework as described in RTS 22.



- Further, we assume that this provision does not apply to firms, including third country firms using group-owned infrastructure, who submit reports to a registered ARM on behalf of the counterparty to their trade

We understand that ESMA and NCAs would like to receive more data about a typical reporting engine.

Most large firms use a central reporting engine or hub approach:

- The engine receives data from different trade capture systems that are common to multiple legal entities within a group.
- The engine determines whether trades are reportable, and for reportable trades the engine creates messages in the required format using data such as ISINs and LEIs from static data systems.
- The engine then checks the message for individual attribute completeness and accuracy, business rules such as content dependencies between fields, logical validations (e.g. cannot cancel a message that has not been accepted by an ARM) etc.
- Messages that pass all the above checks are sent to the ARM by each entity.
- Exception management processes include configurable workflow, notification and escalation of issues, plus procedures, processes and tools to deal with incidents and issue escalation and resolution.

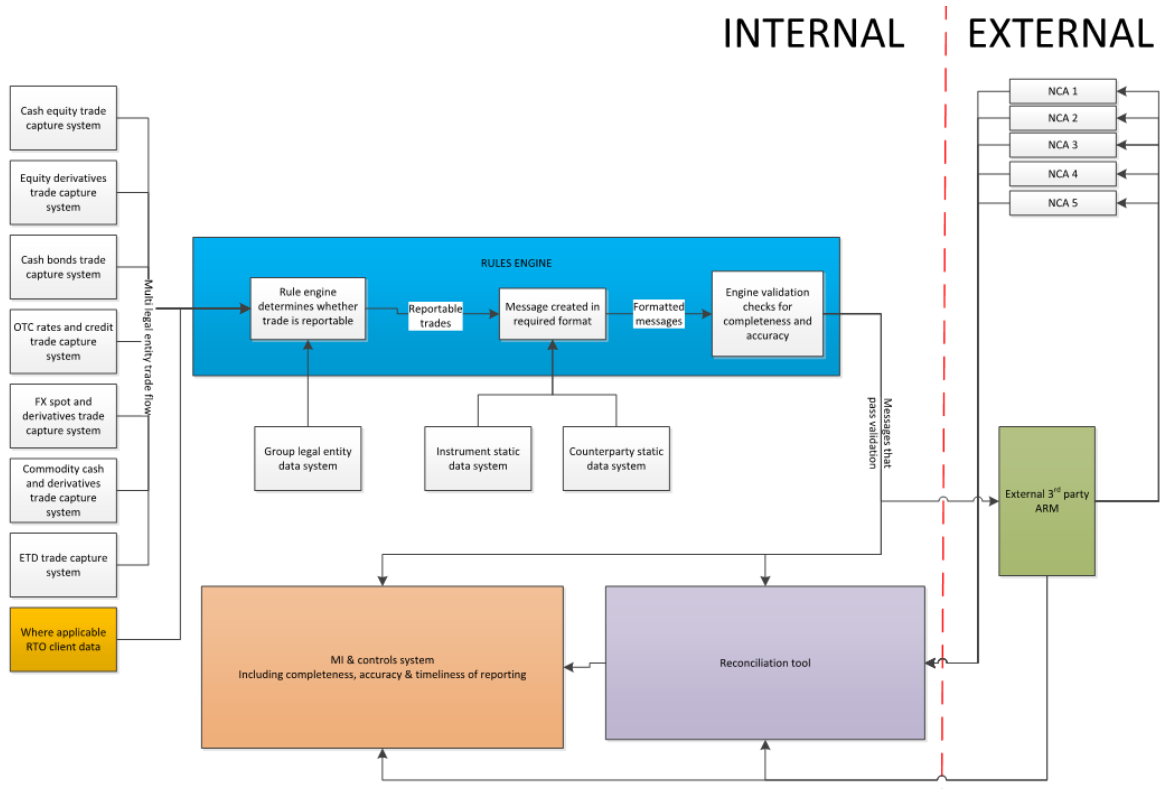
The ARM will complete its own additional validation checks and messages that pass these checks are forwarded to the relevant Competent Authorities.

Feedback from the ARM and from the Competent Authorities is fed along with messages from the engine to the firms reconciliation tool, plus it's MI and controls system for further processing and data analysis. Business as usual monitoring ensures that files are received, batches reconciled and reconciliations processed. Data analysis includes tolerance level checking to provide early warning of potential issues, trend analysis to allow detection of issues and remediation processes to address root causes of issues. It also permits close control of the issues log and enables firms to track to resolution.

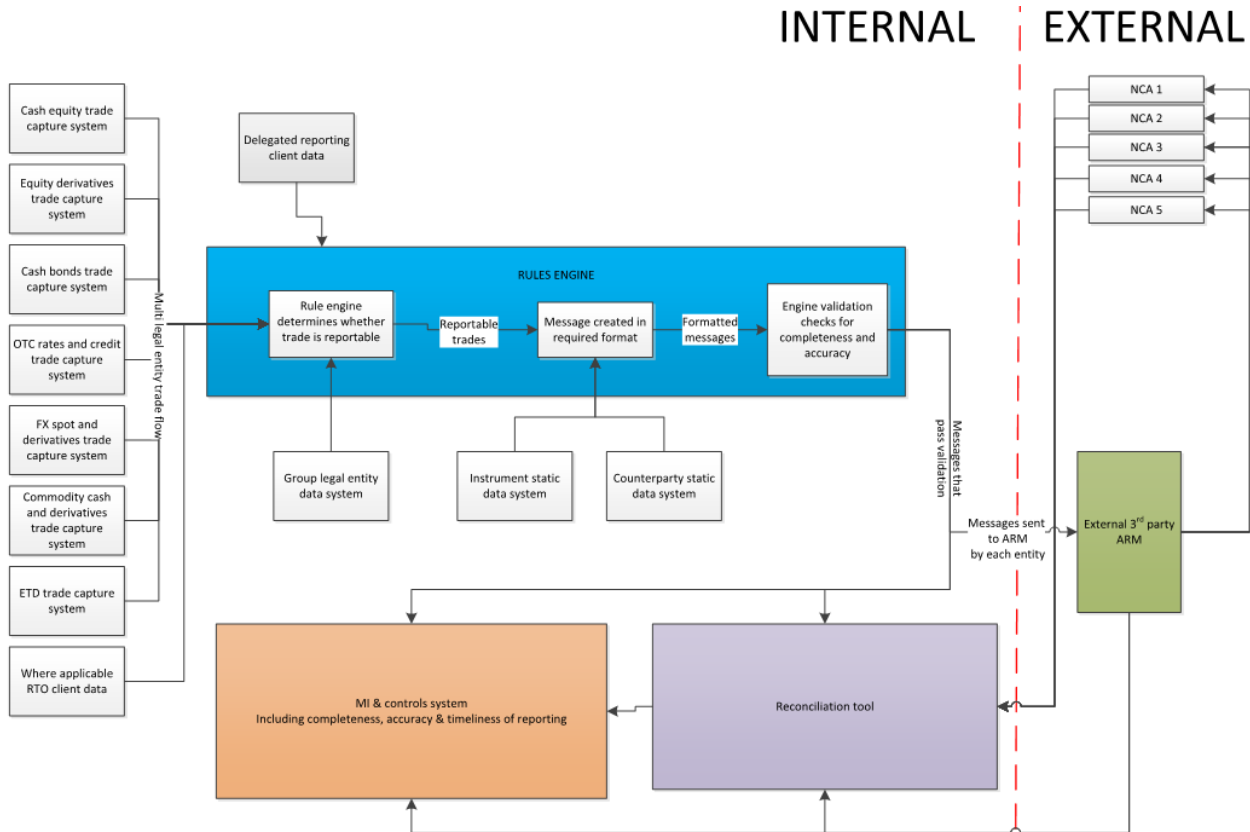
The only differences between a firm submitting on behalf of itself and providing a transmission and / or delegated reporting service are the inclusions of the 'where applicable RTO data' and 'Delegated client reporting data' boxes in the diagram below.

Two simplified system diagrams of the above description are outlined below:

A - Representation showing centralised engine where receipt and transmission of order takes place



B - Representation showing centralised engine where receipt and transmission of order and delegated reporting takes place



Clarification around the use of trading capacity “MTCH” for ETDs

FIA industry standard client agreements state

“In respect of every Transaction made between you and us subject to the Rules of a Market, we shall, unless otherwise agreed in relation to a particular Market, act as principal in any Transaction with you. We shall have made (or arranged to have made through an intermediate broker who may be an associate) on a principal-to-principal basis a matching Transaction on the relevant Market or shall accept the allocation to us of such a Transaction.....”

and

“In respect of a Transaction made between us and a Market pursuant to the Rules of such Market (a “Market Transaction”) and arising from an agreement made by you through a broker, multilateral or other trading facility, counterparty or any other person, a matching Transaction on a principal-to-principal basis will become binding and conclusive on you and us immediately upon the Market Transaction coming into effect pursuant to the Rules of the Market, whether or not the details of the Transaction have previously been confirmed to us by you.”

We believe that the use of the ‘immediately’ and the use of ‘principal-to-principal’ indicates that an investment firm is acting in a matched principal capacity.

For ETDs, if

- an investment firm is acting in a matched principal capacity, and



- the investment firm executes for a Fund Manager who allocates the transaction across a number of funds, and
- the Fund Manager is a transmitting firm and the investment firm is a receiving firm, and
- the executions on the trading venue do not match the allocation shapes to the individual funds,

the investment firm's report will need to use 'INTC' to represent the buyer / seller identification code in fields 7 / 16.

In addition, as the allocations will not occur on a 1-for-1 basis with the fills on the trading venue an average price will need to be used to allocate the required quantity to the underlying funds.

This is demonstrated in the example below:

Scenario

Investment Firm X
 Fund Manager Y
 Funds 1,2 & 3
 Fund Manager Y is transmitting the order to Investment Firm X
 Investment Firm X and Fund Manager Y are MiFID II registered Investment Firms
 Investment Firm X is acting in a MTCH capacity
 Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3

An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)
 The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7

The following reports were submitted:
 Report 1: Investment Firm X facing the CCP for the execution of 600
 Report 2: Investment Firm X facing the CCP for the execution of 400
 Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)
 Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)
 Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)

Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	MTCH	MTCH	MTCH	MTCH	MTCH
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	<BLANK>	<BLANK>	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

Time of first fill

Average price

<ESMA_QUESTION_CP_TR_ORK_CS_4>

Q5: Do you require further clarity on the content of Article 1 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_5>



FIA members would appreciate if ESMA could confirm the following points:

- The format specified is that required by the Competent Authorities (CAs) for the receipt of transaction reports i.e. reports received from the ARM or firm directly
- The ISO 20022 methodology will be adhered to and that the CAs and member states will not gold-plate [European Commission definition] the template

<ESMA_QUESTION_CP_TR_ORK_CS_5>

Q6: Do you require further clarity on the content of Article 2 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_6>

Exclusion of collateral transfers

FIA members understand that the definition of a transaction does not include transfers of collateral. While there is scope to argue that a collateral exchange may be included, we are confident that they are not intended to be caught for the following reasons:

- To constitute a “transaction” there needs to be an “acquisition” or “disposal” within the meaning of Articles 2(2) and (3) of RTS 22
- Collateral transfers are not purchases or sales, entering into or closing out derivative contracts, increasing or decreasing the notional amount for a derivative contract.

Articles 2(2) and (3) of RTS 22 clarify and expand the scope of transactions under MiFID 1. We therefore do not believe there is a legal basis for the inclusion of collateral transfers under MiFIR. Initial analysis also suggests that the exclusions under RTS 22 Article 5 b) & c) could be applied to collateral movements. Collateral transfers do not allow an investment firm to commit market abuse and therefore would be of no interest to regulators seeking to monitor the safety and soundness of the EU’s capital markets.

FIA members would appreciate if ESMA could provide clarification if the above understanding is not correct.

Clarification on product scope

Please see below list of contracts traded on Non-EEA trading venues that FIA members deem to be out of Scope for MIFID II/ MIFIR reporting. Could ESMA please confirm that this understanding is correct?

Please be advised that this list is non-exhaustive and represents a sample of products that would be out of scope. Could ESMA please confirm that similar products traded on Non-EEA trading venues would also be out of scope?

The following Exchange Traded Derivatives are out of scope for MiFID II transaction reporting:

KRX Korean Stock Futures where the underlying company is listed on the London Stock Exchange.

- Traded as Global Depository Receipts (GDRs) on LSE and not the shares

- LSE and Korean ISIN issuers are different

Company on LSE	LSE Sector	Country of Incorporation	LSE ISIN	Product Traded	Share registration	Korea ISIN
HANATOUR SERVICE INC	Travel & Leisure	KR	US4096502079	GDR	NYSE and KSE	KR7039130000
HYUNDAI MOTOR CO	Automobiles & Parts	KR	US4491877076	GDR	NYSE and KSE	KR7069960003
KUMHO TIRE CO INC	Automobiles & Parts	KR	US50125M2052	GDR	NYSE and KSE	KR7011780004
LG ELECTRONICS INC	Leisure Goods	KR	US50186Q2021	GDR	NYSE and KSE	KR7001120005
LOTTE SHOPPING CO LTD	General Retailers	KR	US54569T1060	GDR	NYSE and KSE	KR7005300009
MACQUARIE KOREA INFRASTRUCTURE FUND	Industrial Transportation	KR	US5560822042	GDR	NYSE and KSE	KR7088980008
MANDO MACHINERY CORP	Oil & Gas Producers	KR	USY576241019	GDR	NYSE and KSE	KR7204320006
SAMSUNG ELECTRONICS CO	Leisure Goods	KR	US7960508882	GDR	NYSE and KSE	KR7005930003
SK TELECOM	Mobile Telecommunications	KR	US78440P1084	GDR	NYSE and KSE	KR7017670001

KRX Korean 200 Option Products - A product with very similar contract specifications is listed on EUREX, the German Exchange

- Different contracts : Eurex KOSPI is a one day cash settled contract. KRX Korean 200 Option Product is a quarterly cash settled contract.

- Eurex and Korean ISIN issuers are different

EUREX Product	Contract Specification	Country of Incorporation	EUREX Product Level ISIN	Product Traded		Korea Detailed Contract ISIN
EUREX KOSPI Product (OKS2)	One day cash settled contract	KR	DE000A1A4Q13	Listed Options		KR4101KC0007

TSE Japanese Government Bond 10 Year Futures - A product with very similar contract specifications is listed on LIFFE, the UK Futures Exchange

- Different contracts : LIFFE JGB is a one day cash settled contract. TSE JGB is a 3 month physically settled contract.

- No ISINs available however the contract codes are different

LIFFE Product	Contract Specification	Country of Incorporation	LIFFE Contract Code	Product Traded		TSE Contract Code
LIFFE Japanese Government Bond 10 Year Future	One day cash settled contract	JP	LFJGB	Futures		JGB

CME EUR / USD FX Future - A product with very similar contract specifications is listed on EUREX, the German Exchange

- Different contracts : The underlying contract delivery on EUREX is Euros 100,000. On CME, the contract delivery is also EUROS but the size is EUR 125,000.

- Contracts are not fungible and on expiry are settled separately at their respective CCPs.

EUREX Product	Contract Specification	Country of Incorporation	EUREX Contract Code	Product Traded		CME Contract Code
EUREX EUR / USD FX Future	Quarterly cash settled Future	DE	DE000A1N53R4	Futures		EC

FIA members would further appreciate if ESMA were able to make available a list of reportable (in-scope) MIFID products that are available for trading on non-EEA trading venues.

<ESMA_QUESTION_CP_TR_ORK_CS_6>

Q7: Do you require further clarity on the content of Article 3 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_7>

Exclusion of collateral transfers



FIA members understand that the definition of a transaction does not include transfers of collateral. While there is scope to argue that a collateral exchange may be included, we are confident that they are not intended to be caught for the following reasons:

- To constitute a “transaction” there needs to be an “acquisition” or “disposal” within the meaning of Articles 2(2) and (3) of RTS 22
- Collateral transfers are not purchases or sales, entering into or closing out derivative contracts, increasing or decreasing the notional amount for a derivative contract.

Articles 2(2) and (3) of RTS 22 clarify and expand the scope of transactions under MiFID 1. We therefore do not believe there is a legal basis for the inclusion of collateral transfers under MiFIR. Initial analysis also suggests that the exclusions under RTS 22 Article 5 b) & c) could be applied to collateral movements. Collateral transfers do not allow an investment firm to commit market abuse and therefore would be of no interest to regulators seeking to monitor the safety and soundness of the EU’s capital markets.

FIA members would appreciate if ESMA could provide clarification if the above understanding is not correct.

<ESMA_QUESTION_CP_TR_ORK_CS_7>

Q8: Do you require further clarity on the content of Article 4 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_8>

Population of Field 25 – Transmission of order indicator

FIA members understand that a Transmitting Investment Firm acting in an Agency capacity should report ‘true’ in Field 25, regardless of whether the firm a) tried and failed to transmit; or b) simply did not choose to transmit.

Further if an Investment Firm is acting in an Agency Capacity but is executing on the venue itself Field 25 would be populated with ‘false’.

It is our understanding that ‘false’ should be populated in all other circumstances. Members would appreciate if ESMA could confirm this understanding.

Requirement to register as an ARM to provide a delegated reporting service

FIA members understand an investment firm should be able to provide a transmission or delegated reporting service without needing to become an ARM as long as the reports are submitted to the NCA, ARM or venue as per MIFIR article 26.7. Members would be grateful if ESMA could confirm this understanding.

No Sender/Receiver Relationship

FIA members would like to highlight a scenario where there is no sender / receiver relationship between the Investment Firm and their client. In effect, there is no Transmission relationship at all between the Investment Firm and their client and the Investment Firm is not authorised to either receive or transmit an order to the regulator. In order to highlight that the Investment Firm has no Transmission relationship and to distinguish this scenario from other similar scenarios of ‘Failed transmission’ or ‘Transmission not in accordance to Article 4 of RTS 22’, FIA members are of the opinion that Field 25 should be populated by the Investment Firm and their Client as <BLANK>. FIA members however note that the data validation rules state that Field 25 should always be populated as either ‘TRUE’ or ‘FALSE’. An example to highlight this



scenario is attached –(Scenario Name – No Receiver / Transmitter Relationship between Investment Firm and their Client). Members would appreciate if ESMA could confirm this understanding.

Please see example below:

Scenario - No Receiver / Transmitter Relationship between Investment Firm and their Client				
UK Investment Firm X				
UK Fund Manager Y				
Funds 1, 2 & 3				
There is no sender & receiver relationship between (No transmission) between Investment Firm X & Fund Manager				
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3				
Fund Manager Y is papered with Investment Firm X to get confirmations at the level of the completed transaction & not at each order fills (Pg 139 of the CP as an example)				
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)				
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7				
The transactions are first booked in Firm X's books and then booked later to the client at 12noon				
The following reports were submitted:				
Report 1: Investment Firm X facing the CCP for the execution of 600				
Report 2: Investment Firm X facing the CCP for the execution of 400				
Report 3: Investment Firm X for securities allocated to Fund Manager Y				
UK Investment Firm will report as follows:				
Field ID	Field Name	Report 1 - Market Side Reporting	Report 1 - Market Side Reporting	Report 3 - Client Side Reporting
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
7	Buyer identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of Fund Manager Y
12	Buyer decision maker code	BLANK	BLANK	BLANK
16	Seller identification code	LEI of CCP	LEI of CCP	LEI of X Investment Firm
25	Transmission of Order indicator	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	'2017-09- 16T10:00:15.374Z'	'2017-09- 16T10:15:10.123Z'	'2017-09- 16T12:15:10.123Z'
29	Trading capacity	DEAL	DEAL	DEAL
30	Quantity	600	400	1000
33	Price	9.5	10	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF
57	Investment decision within firm	{National_ID} of the Trader within the firm	{National_ID} of the Trader within the firm	{National_ID} of the Trader within the firm
Fund Manager Y will report as Fund Allocations as follows:				
Field No.	Field Description	Values or Report 1	Values or Report 2	Values or Report 3
4	Execution Entity Identification Code	{LEI} of firm Y	{LEI} of firm Y	{LEI} of firm Y
7	Buyer Identification Code	{LEI} of Fund1	{LEI} of Fund2	{LEI} of Fund3
16	Seller Identification Code	{LEI} of firm Y	{LEI} of firm Y	{LEI} of firm Y
25	Transmission of Order indicator	<BLANK>	<BLANK>	<BLANK>
28	Trading Date & Time	'2017-10- 16T19:22:154Z'	'2017-10- 16T19:22:154Z'	'2017-10- 16T19:22:154Z'
29	Trading capacity	'DEAL'	'DEAL'	'DEAL'
30	Quantity	100	700	300
33	Price	9.70	9.70	9.70
36	Venue	'XOFF'	'XOFF'	'XOFF'
57	Investment decision within firm	{National_ID} of the fund manager Y	{National_ID} of the fund manager Y	{National_ID} of the fund manager Y
Fund Manager Y will report the confirmed transaction as follows:				
Field No.	Field Description	Report Values		
4	Execution Entity Identification Code	{LEI} of Fund Manager Y		
7	Buyer Identification Code	{LEI} Fund Manager Firm (Y)		
16	Seller Identification Code	{LEI} of firm X		
25	Transmission of Order indicator	<BLANK>		
28	Trading Date & Time	'2017-09- 16T12:15:10.123Z'		
29	Trading capacity	'DEAL'		
30	Quantity	1000		
33	Price	9.70	(Average Price)	
36	Venue	'XOFF'		
57	Investment decision within firm	{National_ID} of the fund manager Y		

Transmission of Order reporting in a MTCH trading capacity



FIA members note from the examples already included in the Consultation Paper that matched principal capacity shall not be reported, however, where a firm acts in a matched principal capacity and offers a transmission service for a Fund Manager there will be multiple allocations to underlying funds. In this circumstance. Please see example B below which represents how firms intend to report unless advised otherwise by ESMA. Members would be grateful if ESMA could clarify if this is not correct.

B - Trading Capacity - MTCH

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a MTCH capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	MTCH	MTCH	MTCH	MTCH	MTCH
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	<BLANK>	<BLANK>	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of first fill
						Average price



Population of Field 57 – Investment Decision Maker within the firm

FIA members request that ESMA clarify how the ‘investment decision maker within the firm’ field should be populated in the case of a successful transmission of order.

RTS 22 indicates that this field should be populated with the information received from the transmitting firm however the validation rule CON-571 indicates that Investment decision identifier should be blank in both the market side and client side reports where the firm deals on a matched principal capacity or any other capacity unless the decision maker field is populated with the LEI of the executing firm. It does not specify any rules where RTO has been satisfied and the firm is trading as either ‘matched principal’ or any ‘other capacity’.

In addition to the above the example, the Consultation Paper (Section 1.3.8.2, p115) appears to be blank with an explanation that the client side of the report is populated from the information received by the transmitting firm and is blank as the decision was made by Representative 1 rather than by a person in Firm X. FIA members would appreciate if ESMA could clarify the reason for the field being left blank

FIA members envisage that information to be transmitted in RTS 22 Article 4 paragraph 2 in accordance with Paragraph 1(b) would not be included in the order sent by the transmitting firm. This is because end client allocation information, i.e. fund(s) is generally not provided until post execution by the transmitting firm. In keeping with this the information is expected to be provided separately to the order, i.e. by the transmitting firm post execution or as reference data provided to the receiving firm as part of a pre trading onboarding process. Please advise if ESMA does not agree with our understanding.

<ESMA_QUESTION_CP_TR_ORK_CS_8>

Q9: Do you require further clarity on the content of Article 5 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_9>

Population of field 5 – Investment Firm covered by Directive 2004/39/EC or Directive 2014/65/EU

RTS 22, Table 2, Field 5 references an Investment Firm covered by MiFID II and MiFID I. FIA members understand that a Credit Institution with a reporting obligation would complete this field with a ‘false’ value. Members would appreciate if ESMA could clarify if this understanding is not correct.

<ESMA_QUESTION_CP_TR_ORK_CS_9>

Q10: Do you require further clarity on the content of Article 6 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_10>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_10>

Q11: Do you require further clarity on the content of Article 7 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_11>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_11>

Q12: Do you require further clarity on the content of Article 8 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_12>



TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP_TR_ORK_CS_12>

Q13: Do you require further clarity on the content of Article 9 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_13>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP_TR_ORK_CS_13>

Q14: Do you require further clarity on the content of Article 10 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_14>

Population of Fields 36 (Venue) and 61 (Waiver indicator)

FIA members understand there is no formal requirement for the venues to provide the MIC code or the waiver information (specified in RTS 22). Members would very much appreciate ESMA's and the NCA's assistance in encouraging the Trading Venues to provide this information to the Investment Firms.

<ESMA_QUESTION_CP_TR_ORK_CS_14>

Q15: Do you require further clarity on the content of Article 11 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_15>

Population of Field 62 – Short selling indicator

FIA members assume the population of the short selling flag (Field 62) will be out of scope for ETD as this is applicable only to outright Sovereign Bond and Equity trades. Members would appreciate if ESMA could provide clarification if this is not correct.

<ESMA_QUESTION_CP_TR_ORK_CS_15>

Q16: Do you require further clarity on the content of Article 12 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_16>

Clarification of reporting of combinations of financial instruments

With reference to Article 12 of RTS 22 and the Consultation Paper ESMA/2015/1909 (Reference Section 1.4.3.9) which details "reporting of combinations of financial instruments" and an example of reporting "Strategy trades" respectively.

- Article 12 states that where a firm executes a transaction in a combination of two or more financial instruments, the investment firm shall report the transaction for each financial instrument separately and shall link those reports by an identifier.



- Section 1.4.3.9 describes that in addition to the linkage by an identifier that both legs of a Bund Future and Eurex Bond strategy are reported with a common price of 20 EUR , being the overall price of the strategy.

Within the ETD market, volatility strategies are widely traded with firms executing combinations of two or more financial instruments simultaneously.

Examples of these are a straddle and a vertical call spread.

1. The buyer of a straddle combination buys component 1, a call option, and buys component 2, a put option with the same underlying, expiration month and exercise price.

For example the call would be priced at 120 and the put 123 giving an overall strategy value of 243 – the sum of both premium prices.

2. The buyer of a vertical call spread combination buys component 1, a call option, and sells component 2, a call option with the same underlying and expiration month as component 1, but with a higher exercise price.

For example the lower strike call would be priced at 10 and the higher strike call would be priced at 4 giving an overall strategy value of 6 – the sum of both premium prices.

In both example strategies, the price of the underlying instruments reflect the execution prices of the individual component instruments that are being traded i.e. as if you were to trade the components individually not collectively. Firms can trade in and out of the components individually offsetting the position the strategy provided.

Consequently, firms capture the components with their individual execution prices and variation margin is calculated versus these.

Given that the RTS¹ request that combinations are joined via an identifier thus enabling clear sight of the overall strategy, FIA member believe they should report the individual execution prices on each leg to accurately reflect execution at the exchange. Members would be grateful if ESMA could provide clarification if this is not correct.

<ESMA_QUESTION_CP_TR_ORK_CS_16>

Q17: Do you require further clarity on the content of Article 13 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_17>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_17>

Q18: Do you require further clarity on the content of Article 14 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_18>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_18>

Q19: Do you require further clarity on the content of Article 15 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_19>

Clarification around the requirement to register centralised reporting engines as an ARM

FIA members seek further clarity on the potential requirement to register as an ARM if submitting reports for another legal entity:

- We assume that this does not have an impact in the scenario where multiple firms within a group route transaction data to a registered ARM through any co-owned or group-owned infrastructure. In either situation each firm would be submitting its own data to the ARM.
- We assume that this provision does not apply in the scenario where firms report on behalf of other firms within the same group.
- We assume that this provision does not apply to reports submitted by a firm to a registered ARM containing data supplied by a client of that firm under the Receipt and Transmission of Order (RTO) framework as described in RTS 22.
- Further, we assume that this provision does not apply to firms, including third country firms using group-owned infrastructure, who submit reports to a registered ARM on behalf of the counterparty to their trade.

We understand that ESMA and NCAs would like to receive more data about a typical reporting engine.

Most large firms use a central reporting engine or hub approach:

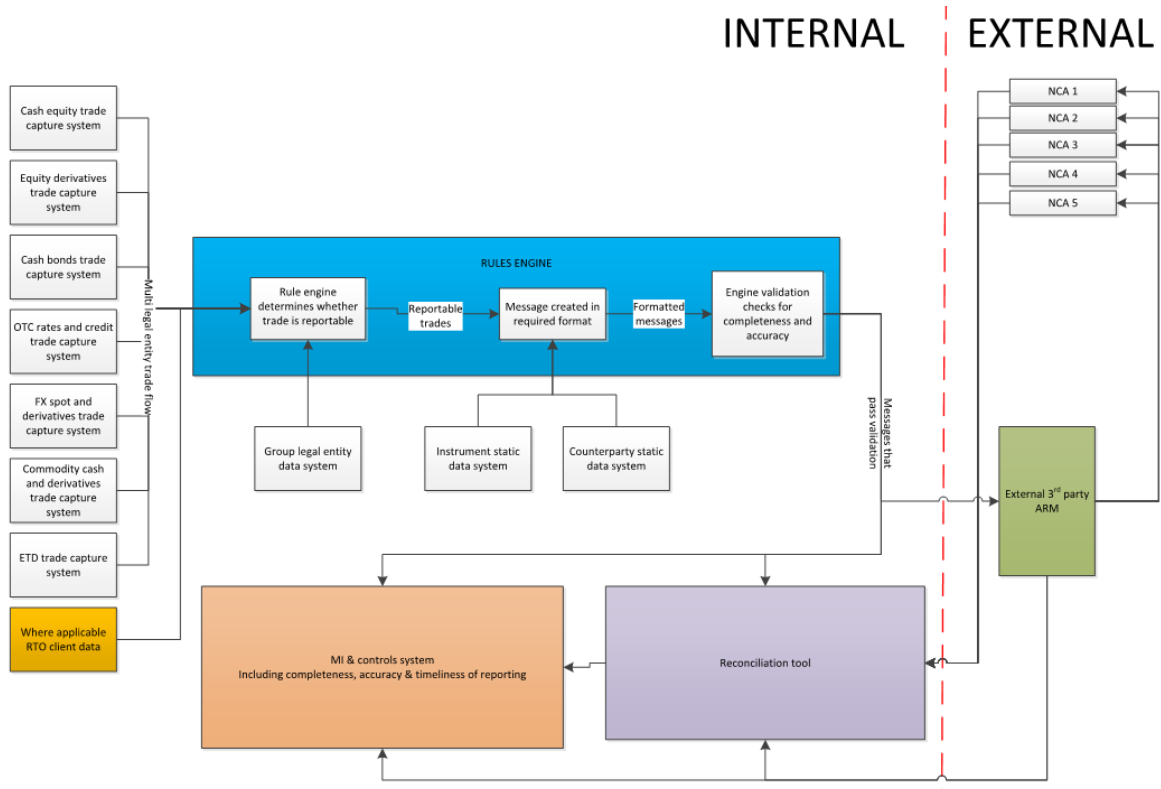
- The engine receives data from different trade capture systems that are common to multiple legal entities within a group.
- The engine determines whether trades are reportable, and for reportable trades the engine creates messages in the required format using data such as ISINs and LEIs from static data systems.
- The engine then checks the message for individual attribute completeness and accuracy, business rules such as content dependencies between fields, logical validations (e.g. cannot cancel a message that has not been accepted by an ARM) etc.
- Messages that pass all the above checks are sent to the ARM by each entity.
- Exception management processes include configurable workflow, notification and escalation of issues, plus procedures, processes and tools to deal with incidents and issue escalation and resolution.

The ARM will complete its own additional validation checks and messages that pass these checks are forwarded to the relevant Competent Authorities.

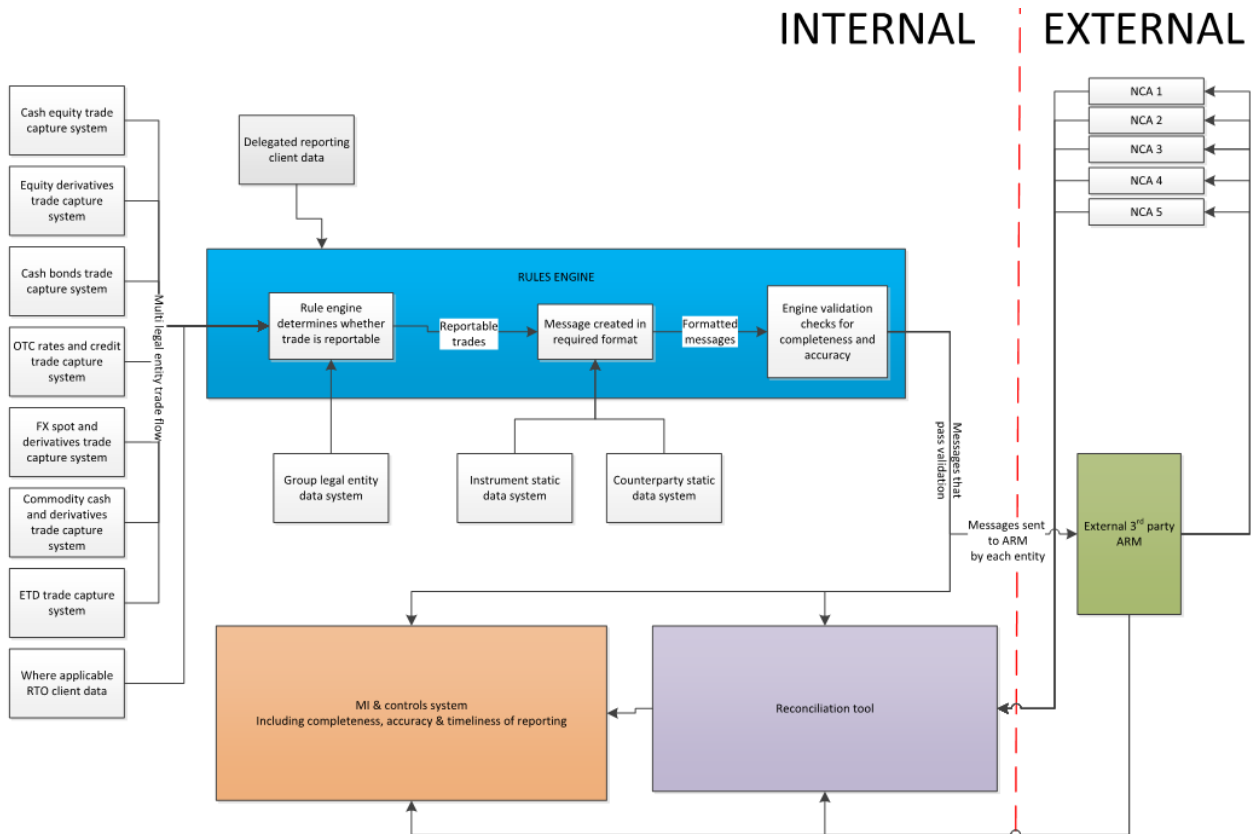
Feedback from the ARM and from the Competent Authorities is fed along with messages from the engine to the firms reconciliation tool, plus it's MI and controls system for further processing and data analysis. Business as usual monitoring ensures that files are received, batches reconciled and reconciliations processed. Data analysis includes tolerance level checking to provide early warning of potential issues, trend analysis to allow detection of issues and remediation processes to address root causes of issues. It also permits close control of the issues log and enables firms to track to resolution.

The only differences between a firm submitting on behalf of itself and providing a transmission and / or delegated reporting service are the inclusions of the 'where applicable RTO data' and 'Delegated client reporting data' boxes in the diagram below. Two simplified system diagrams of the above description are outlined below:

A - Representation showing centralised engine where receipt and transmission of order takes place



B - Representation showing centralised engine where receipt and transmission of order and delegated reporting takes place



Clarification around the use of trading capacity “MTCH” for ETDs

FIA industry standard client agreements state

“In respect of every Transaction made between you and us subject to the Rules of a Market, we shall, unless otherwise agreed in relation to a particular Market, act as principal in any Transaction with you. We shall have made (or arranged to have made through an intermediate broker who may be an associate) on a principal-to-principal basis a matching Transaction on the relevant Market or shall accept the allocation to us of such a Transaction.....”

and

“In respect of a Transaction made between us and a Market pursuant to the Rules of such Market (a “Market Transaction”) and arising from an agreement made by you through a broker, multilateral or other trading facility, counterparty or any other person, a matching Transaction on a principal-to-principal basis will become binding and conclusive on you and us immediately upon the Market Transaction coming into effect pursuant to the Rules of the Market, whether or not the details of the Transaction have previously been confirmed to us by you.”

We believe that the use of the ‘immediately’ and the use of ‘principal-to-principal’ indicates that an investment firm is acting in a matched principal capacity.

For ETDs, if



- an investment firm, is acting in a matched principal capacity, and
- the investment firm executes for a Fund Manager who allocates the transaction across a number of funds, and
- the Fund Manager is a transmitting firm and the investment firm is a receiving firm, and
- the executions on the trading venue do not match the allocation shapes to the individual funds,

the investment firm's report will need to use 'INTC' to represent the buyer / seller identification code in fields 7 / 16.

In addition, as the allocations will not occur on a 1-for-1 basis with the fills on the trading venue an average price will need to be used to allocate the required quantity to the underlying funds.

This is demonstrated in the example below.

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a MTCH capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	MTCH	MTCH	MTCH	MTCH	MTCH
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	<BLANK>	<BLANK>	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of first fill
						Average price



Q20: Do you require further clarity on the content of Article 16 of RTS 22? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_20>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP_TR_ORK_CS_20>

Q21: Do you require further clarity or examples for population of the fields covered in Block 1? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_21>
FIA members understand that the Fund Manager should be reported as the buyer/seller where appropriate. In general for ETDs, the Executing Broker receives the order from the Fund Manager and is not aware of the identity of the underlying Fund, unless transmission occurs. Members would be grateful if ESMA could provide clarification if this is not correct.

Transmission of Order reporting in a MTCH trading capacity

Further FIA members would like to clarify the population of the buyer and seller fields for an ETD scenario when the Investment Firm is acting in a MTCH capacity and the Fund Manager has successfully met the

conditions of transmission. Investment Firms intend to populate reports as follows unless advised of an alternative approach.

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a MTCH capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	MTCH	MTCH	MTCH	MTCH	MTCH
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	<BLANK>	<BLANK>	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of first fill
						Average price



<ESMA_QUESTION_CP_TR_ORK_CS_21>

Q22: Do you require further clarity or examples for population of the fields covered in Block 2? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_22>

Population of Field 12 (Buyer decision maker code) and 21 (Seller decision maker code)

FIA members understand from the Consultation Paper (Reference Section 1.2.2) that the investment decision maker is the person that has been granted authority to act for the client. It is therefore the assumption of the members that where the Fund Manager has been granted power of representation for an underlying fund, the Fund Manager shall be reported as the decision maker.

FIA members understand that for field #12 (buyer decision maker code) and field #21 (seller decision maker code), if an investment firm has executed a transaction for a client that is acting under a power of representation, that the investment firm shall report the decision maker with the LEI of the Fund Manager and not the underlying fund. Furthermore, FIA members have assumed that given the LEI of the Fund Manager in fields #12 or #21 have been populated, that the natural persons fields #13, #14 and #15 or #22, #23 and #24 respectively are not required to be populated. Members would be grateful if ESMA could advise if this is not correct

<ESMA_QUESTION_CP_TR_ORK_CS_22>

Q23: Do you require further clarity or examples for population of the fields covered in Block 3? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_23>

Clarification on the reporting of buyer/seller where an Investment Firm executes a transaction on behalf of a Fund

FIA members would be grateful if a scenario where an Investment Firm executes a transaction on behalf of a Fund could be provided. An example scenario has been provided below. Members would be grateful if ESMA could confirm the fields populated are correct or provide additional clarification around the requirements for reporting in this scenario.

Part A – An example scenario where an Investment Firm buys for a Fund

Investment Firm buys for a Fund					
<p>A UK Firm X purchases 1000 units of an ETD for its client (a UK Collective Investment Fund (IF)) 1000 units are executed in the market in two executions – 600@9.50 and 400@10.00 in Trading Venue M UK Collective Investment Fund (IF) allocates this later to 3 funds IFF1- 100; IFF2- 700; IFF3 - 200</p> <p>Firm X uses a booking model of 'Match'</p> <p>Firm X is obligated to identify the Collective Investment Firm (IF) in its reporting. In the absence of clear direction, we are using the guidance provided in the Consultation Paper (Reference Section 1.2.1) which states that "the investment firm shall report their direct client. The investment firm is not expected to look behind their client to try to determine the ultimate client". There is an example of a trust provided in the section. We are using the same principal</p> <p>Field 57 (Investment decision within a firm) is not populated since the Trading capacity is 'MATCH' in accordance to the principle behind section 1.2.4.2 (Pg 50)</p>					
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value		
4	Execution Entity Identification Code	{LEI} of firm X	{LEI} of firm X		
7	Buyer Identification Code	{LEI} of Collective Investment Firm (IF)	{LEI} of Collective Investment Firm (IF)		
16	Seller Identification Code	{LEI} of central counterparty for trading venue M	{LEI} of central counterparty for trading venue M		
28	Trading Date & Time	'2017-09-16T09:20:15.374Z'	'2017-09-16T12:15:10.123Z'		
29	Trading capacity	'MATCH'	'MATCH'		
30	Quantity	600	400		
33	Price	9.5	10		
36	Venue	Segment {MIC} of trading venue M	Segment {MIC} of trading venue M		
57	Investment decision within the firm				

Part B – An example scenario where the Collective Investment Fund sells to the Funds

Collective Investment Fund sells to the Fund					
A UK Firm X purchases 1000 units of an ETD for its client (a UK Collective Investment Fund (IF))					
1000 units are executed in the market in two executions – 600@9.50 and 400@10.00 in Trading Venue M					
UK Collective Investment Fund (IF) allocates this later to 3 funds IFF1- 100; IFF2- 700; IFF3 - 200					
Collective Investment Fund (IF) is obligated to report on allocations for each Fund(i.e.IFF1, IFF2 & IFF3)					
Field 28 (Trading Date & Time) is based on the time of allocation rather than the time of execution (similar to the principle under client allocations as detailed In Section 1.3.5)					
Field 33 (Price) is the Average Price at which IF allocates the purchase to IFF1, IFF2 & IFF3					
Field 57 (Investment decision within a firm) is populated since the Trading capacity is 'DEAL' in accordance to the principle behind section 1.2.4.2 (Pg 49)					
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	
4	Execution Entity Identification Code	{LEI} of firm IF	{LEI} of firm IF	{LEI} of firm IF	
7	Buyer Identification Code	{LEI} of IFF1	{LEI} of IFF2	{LEI} of IFF3	
16	Seller Identification Code	{LEI} of firm IF	{LEI} of firm IF	{LEI} of firm IF	
28	Trading Date & Time	'2017-10-16T19:22:104Z'	'2017-10-16T19:22:154Z'	'2017-10-16T19:22:274Z'	
29	Trading capacity	'DEAL'	'DEAL'	'DEAL'	
30	Quantity	100	700	300	
33	Price	9.7	9.7	9.7	
36	Venue	'XOFF'	'XOFF'	'XOFF'	
57	Investment decision within the firm	{National_ID} of the fund manager of the firm IF	{National_ID} of the fund manager of the firm IF	{National_ID} of the fund manager of the firm IF	

<ESMA_QUESTION_CP_TR_ORK_CS_23>

Q24: Do you require further clarity or examples for population of the fields covered in Block 4? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_24>

Clarification on the population of Field 29 ("Trading Capacity")

For ETDs, it is the assumption of the FIA members that for Transaction Reporting we should populate 'Trading Capacity' (Field 29 of Table 2 Annex 1) as follows:

- Deal – if dealing on own account (proprietary business model)



- Matched Principal – where the firm has executed a client order on a Trading Venue solely to fulfil a client order and is trading in a principal capacity
- AOTC – where client's trade is executed directly on the book of a client (agency model)

Please see below examples of how FIA members intend to report for Deal, Matched Principal and AOTC. Examples A – C outline scenarios where Transmission of Order has taken place, and examples D - G outline where NO Transmission of Order has taken place. Members would appreciate if ESMA could confirm any required changes if the following examples are not appropriate.

A - Trading Capacity - DEAL

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a DEAL capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:05	10:05	10:05
29	Trading capacity	DEAL	DEAL	DEAL	DEAL	DEAL
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	NI number of Investment Firm X Trader / Desk Head	NI number of Investment Firm X Trader / Desk Head	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of last fill
						Average price

B - Trading Capacity - MTCH

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a MTCH capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	MTCH	MTCH	MTCH	MTCH	MTCH
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	<BLANK>	<BLANK>	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

C - Trading Capacity – AOTC

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a AOTC capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	-	-	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	-	-	-	-	-
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	-	-	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	-	-	-	-	-
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	NI number of Investment Firm X Trader / Desk Head	NI number of Investment Firm X Trader / Desk Head	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of 1st Fill
						Average price



a. Identification of Buyer / Seller Field 7 & 16

FIA Members request guidance on the population of fields 7 and 16 (the Buyer / Seller identification code). The examples show possible ways to represent a transaction with the report either identifying the Fund Manager as the Buyer or the Fund. Currently there appear to be inconsistencies on the interpretation of the text, with the FCA advising that the client is the Fund Manager and the BaFin looking for the Fund to be identified. FIA would appreciate a consistent definition from ESMA of these fields and confirmation of which example is correct.

Details of the scenarios below:

Examples D & E show how we envisage reporting could look for one execution, one allocation where example D shows reporting the Fund Manager as the Buyer and example E identifies the Fund as the Buyer. Examples G & H show how we envisage reporting could look for one execution, multiply allocations where example G shows reporting the Fund Manager as the Buyer and example H identifies the Fund as the Buyer.

Example F shows how we envisage reporting could look for one execution, where transactions are given out for clearing, where the Fund manager only supplies the Clearing Broker with the end client allocation, therefore the Executing Broker has to identify the Fund Manager as the Buyer.

Could ESMA please confirm that FIA members interpretation of reporting is correct?

Example D : Scenario Full Service Alloc FM

Example E : Scenario Full Service Alloc fund

Example F : Scenario Give out Clearing using AOTC Capacity

Example G: Scenario Full service Mult FM

Example H: Scenario Full Service Fund

Scenario Full Service Alloc FM				
Investment Firm IFA				
Fund Manager FMA				
Fund 1				
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities				
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity				
Fund Manager FMA is buying under a power of representation on behalf of Funds 1				
An order to Buy 700 lots of an Option was executed in one shape of 700 @ EUR 17.00 on the 9th June 2017 at 11:45:00				
The Fund Manager places the order and confirms the following allocations all to Fund 1 at point of execution				
IFA reports the Fund Manager as the Buyer				
The following reports were submitted:				
Report 1: From Investment Firm IFA where they are executing the 700 lots				
Report 2: From the Fund Manager FMA reports allocation for Fund 1				
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	
3	Trading venue Identification Code	Code from Venue	-	
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	
7	Buyer identification code	LEI of Fund Manager FMA	LEI of Fund 1	
12	Buyer decision maker code	-	LEI of Fund Manager FMA	
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	
21	Seller decision maker code	-	-	
25	Transmission of order indicator	FALSE	TRUE	
26	Transmitting form identification code for the buyer	-	-	
27	Transmitting form identification code for the seller	-	-	
28	Trading date time	2017-06-09T11:45:00	2017-06-09T11:45:00	
29	Trading capacity	AOTC	AOTC	
30	Quantity	700	700	
33	Price	17	17	
36	Venue	MIC of Venue	XOFF	
41	Instrument identification code	ISIN of the contract	ISIN of the contract	
57	Investment decision within firm	-	NI number of Fund Manager	
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	

Please see above Example D

Scenario Full service Alloc Fund				
Investment Firm IFA				
Fund Manager FMA				
Fund 1				
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities				
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity				
Fund Manager FMA is buying under a power of representation on behalf of Funds 1				
An order to Buy 700 lots of an Option was executed in one shape of 700 @ EUR 17.00 on the 9th June 2017 at 11:45:00				
The Fund Manager places the order and confirms the following allocations all to Fund 1 at point of execution				
IFA reports the Fund Manager as the Buyer				
The following reports were submitted:				
Report 1: From Investment Firm IFA where they are executing the 700 lots				
Report 2: From the Fund Manager FMA reports allocation for Fund 1				
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	
3	Trading venue Identification Code	Code from Venue	-	
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	
7	Buyer identification code	LEI of Fund 1	LEI of Fund 1	
12	Buyer decision maker code	LEI of Fund Manager FMA	LEI of Fund Manager FMA	
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	
21	Seller decision maker code	-	-	
25	Transmission of order indicator	FALSE	TRUE	
26	Transmitting form identification code for the buyer	-	-	
27	Transmitting form identification code for the seller	-	-	
28	Trading date time	2017-06-09T11:45:00	2017-06-09T11:45:00	
29	Trading capacity	AOTC	AOTC	
30	Quantity	700	700	
33	Price	17	17	
36	Venue	MIC of Venue	XOFF	
41	Instrument identification code	ISIN of the contract	ISIN of the contract	
57	Investment decision within firm	-	NI number of Fund Manager	
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	

Please see above example E

Scenario Give Out for Clearing Using AOTC Capacity					
Investment Firm IFA					
Fund Manager FMA					
Clearing Broker CBA					
Funds 1 & 2					
Investment Firm IFA, Clearing Broker CBA and Fund Manager FMA are all MiFID II registered entities					
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity					
Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2					
An order to Buy 500 lots of an Option was executed in one shape of 500 @ EUR 15.00 on the 9th June 2017 at 11:00:00					
The Fund Manager confirms the following allocations: Fund 1 (300) & Fund 2 (200) to the Clearing Broker					
The following reports were submitted:					
Report 1: From Investment Firm IFA where they have executed 500 lots					
Report 2: From the Fund Manager FMA report for INTC					
Report 3: From the Fund Manager FMA reports allocation for Fund 1					
Report 4: From the Fund Manager FMA reports allocation for Fund 2					
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value
3	Trading venue Identification Code	Code from Venue	-	-	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code	-	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-
25	Transmission of order indicator	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the buyer	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-
28	Trading date time	2017-06-09T11:00:00	2017-06-09T11:00:00	2017-06-09T11:00:00	2017-06-09T11:00:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC
30	Quantity	500	500	300	200
33	Price	15	15	15	15
36	Venue	MIC of Venue	XOFF	XOFF	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
Clearing broker will not Transaction Report in this case					

Scenario Full Service Mult FM

Investment Firm IFA

Fund Manager FMA

Funds 1 & 2

Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities

Investment Firm IFA and Fund manager FMA are acting in AOTC capacity

Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2

An order to Buy 600 lots of an Option was executed in one shape of 600 @ EUR 16.00 on the 9th June 2017 at 11:30:00

The Fund Manager confirms the following allocations: Fund 1 (350) & Fund 2 (250) later in the day at 1:00 pm

The following reports were submitted:

Report 1: From Investment Firm IFA where they executed 600 lots

Report 2: From the Fund Manager FMA report for INTC

Report 3: From the Fund Manager FMA reports allocation for Fund 1

Report 4: From the Fund Manager FMA reports allocation for Fund 2

Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value
3	Trading venue Identification Code	Code from Venue	-	-	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code		-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-
25	Transmission of order indicator	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the buyer	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-
28	Trading date time	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	600	350	250
33	Price	16	16	16	16
36	Venue	MIC of Venue	XOFF	XOFF	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

Scenario Full Service Fund	
Investment Firm IFA	
Fund Manager FMA	
Funds 1 & 2	
Investment Firm IFA and Fund Manager FMA are all MIFID II registered entities	
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity	
Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2	
An order to Buy 600 lots of an Option was executed in one shape of 600 @ EUR 16.00 on the 9th June 2017 at 11:30:00	
The Fund Manager confirms the following allocations: Fund 1 (350) & Fund 2 (250) later in the day at 1:00 pm	
The following reports were submitted:	
Report 1: From Investment Firm IFA where they executed 600 lots	
Report 2: From Investment Firm IFA where they have received Fund 1 allocation of 350	
Report 3: From Investment Firm IFA where they have received Fund 2 allocation of 250	
Report 4: From the Fund Manager FMA report for INTC	
Report 5: From the Fund Manager FMA reports allocation for Fund 1	
Report 6: From the Fund Manager FMA reports allocation for Fund 2	

Field Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value	Report 6 Field Value
3 Trading venue identification	Code from Venue	-	-	-	-	-
4 Executing Entity identification	LEI of IFA Investment Firm	LEI of IFA Investment Firm	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6 Submitting Entity identification	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7 Buyer identification	INTC	LEI of Fund 1	LEI of Fund 2	INTC	LEI of Fund 1	LEI of Fund 2
12 Buyer decision maker code	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16 Seller identification	LEI of CCP	INTC	INTC	LEI of IFA Investment Firm	INTC	INTC
21 Seller decision maker code	-	-	-	-	-	-
25 Transmission of order indicator	FALSE	FALSE	FALSE	TRUE	TRUE	TRUE
26 Transmitting form identification code for the	-	-	-	-	-	-
27 Transmitting form identification code for the seller	-	-	-	-	-	-
28 Trading date time	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00
29 Trading capacity	AOTC	AOTC	AOTC	AOTC	AOTC	AOTC
30 Quantity	600	350	250	600	350	250
33 Price	16	16	16	16	16	16
36 Venue	MIC of Venue	XOFF	XOFF	XOFF	XOFF	XOFF
41 Instrument identification	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57 Investment decision within	-	-	-	-	NI number of Fund Manager	NI number of Fund Manager
59 Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

<ESMA_QUESTION_CP_TR_ORK_CS_24>

Q25: Do you require further clarity or examples for population of the fields covered in Block 5? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_25>

Clarification on reporting as a Direct Electronic Access (DEA) provider

FIA members intend to report as follows in the below scenario where a DEA Provider and DEA Client have to report the transaction executed at the Exchange. Members would appreciate if ESMA could provide clarification if this is not correct.

DEA reporting					
Client D uses Firm A's DEA to execute 100 instruments on Exchange X.					
Person A makes the investment decision at Client D and Person B executes the transaction.					
Person A and Person B are employees of Client D.					
The firm is acting in an AOTC capacity					
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value		
4	Executing entity identification code	{LEI} of Firm A	{LEI} of Client D		
7	Buyer identification code	{LEI} of Client D	{LEI} of Client D		
16	Seller identification code	{LEI} of central counterparty for trading venue X	{LEI} of Firm A		
29	Trading Capacity	AOTC	DEAL		
36	Venue	XMIC	XOFF		
57	Investment decision within Firm		{NATIONAL_ID} of person A making the investment decision		
59	Execution with the Firm		{NATIONAL_ID} of person B executing the order		

In the above scenario, for Report 1, fields 57 and 59 have been left blank as neither the investment decision nor the execution were performed by anyone at Firm A, even though it is stated that field 59 must be populated for all new transaction reports. Members would appreciate it if ESMA could provide clarification if this is not correct.

FIA members would also like to confirm if the value to be populated by the DEA provider in field 59 (Execution within firm) should contain the details of the person within the firm who has approved of the DEA Client relationship (if this field is in scope for DEA provider)

<ESMA_QUESTION_CP_TR_ORK_CS_25>

Q26: Do you require further clarity or examples for population of the fields covered in Block 7? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_26>

Clarification on population of venue code



FIA members understand that that the venue MIC code should only be populated for the market facing leg(s), and 'XOFF' should be populated in all other reports. Members would appreciate if ESMA could provide clarification if this is not correct.

<ESMA_QUESTION_CP_TR_ORK_CS_26>

Q27: Do you require further clarity or examples for population of the fields covered in Block 8? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_27>
Population of field 62 – Short selling indicator

FIA members assume the population of the short selling flag (field 62) will be out of scope for ETD as this is applicable only to outright Sovereign Bond and Equity trades. Members would appreciate it if ESMA could provide clarification if this is not correct.

<ESMA_QUESTION_CP_TR_ORK_CS_27>

Q28: Do you require further clarity or examples for population of the fields covered in Block 10? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_28>
Population of field 63 (OTC post-trade indicator)

FIA members assume that the population of the field 63 (OTC post-trade indicator) will be out of scope for ETD. Members would appreciate if ESMA could provide clarification if this is not correct.

<ESMA_QUESTION_CP_TR_ORK_CS_28>

Q29: Do you require further clarity or examples for population of the fields covered in Block 11? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_29>
Clarification on submitting a cancellation

FIA Members note that there is a business scenario where a firm may need to swap ARMs during its Reporting Lifecycle. For example, when a firm may have submitted a new transaction, it would have submitted it through ARM and while it submits a cancellation it may be using the services of another ARM, for example 'ARM2'.

Please find below an example of how the new and the cancelled transaction will be reported in the above scenario. Only the required fields for Cancellation are populated. Members would appreciate it if ESMA could provide clarification if this is not correct.

Field ID	Field Name	Original report Field Value	Cancel report Field Value
1	Report Status	'NEWT'	'CANC'
2	Transaction Reference Number	'ABCD'	'ABCD'
4	Executing entity identification code	{LEI} of firm X	{LEI} of firm X
6	Submitting entity identification code	{LEI} of ARM1	{LEI} of ARM2

<ESMA_QUESTION_CP_TR_ORK_CS_29>

Q30: Do you require further clarity or examples for population of the fields covered in Block 12? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_30>

Clarification on population of: field 32 (Derivative notional increase/decrease), field 38 (Up-front payment), and field 39 (Up-front payment currency)

FIA members assume that unless indicated otherwise by ESMA that fields (32, 38 & 39) do not apply to Exchange Traded Derivatives.

<ESMA_QUESTION_CP_TR_ORK_CS_30>

Q31: Do you require further clarity or examples for the scenarios in section 1.3.1? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_31>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_31>

Q32: Do you require further clarity or examples for the scenarios in section 1.3.2? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_32>

Clarification on matching two client orders for an ETD scenario

For an ETD scenario, FIA members would like to confirm whether the example below conforms to the requirements outlined by ESMA in section 1.3.2 of the Consultation Paper.

On exchange client cross with firm acting in AOTC capacity					
Investment Firm F receives an order from Client A and Client B to cross 300 instruments on Exchange X at price of 25 Client A is taking the buy on the cross and Client B is taking the sell side on the cross The Clients agree to the deal at 13:00 and the actual cross is executed at the exchange at 14:25					
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value		
4	Executing entity identification code	{LEI} of Firm F	{LEI} of Firm F		
7	Buyer identification code	{LEI} of Client A	{LEI} of central counterparty for trading venue X		
16	Seller identification code	{LEI} of central counterparty for trading venue X	{LEI} of Client B		
28	Trading date and time	2017-06-24T14:25:13.159	2017-06-24T14:25:13.159		
29	Trading Capacity	AOTC	AOTC		
30	Quantity	300	300		
33	Price	25	25		
36	Venue	XMIC	XMIC		

n.b FIA members assume that they would also populate as above for Matched Principal Trading capacity

On exchange client cross with firm acting in DEAL capacity					
Investment Firm F receives an order from Client A and Client B to cross 300 instruments on Exchange X at price of 25 Client A is taking the buy on the cross and Client B is taking the sell side on the cross The Clients agree to the deal at 13:00 and the actual cross is executed at the exchange at 14:25					
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value
4	Executing entity identification code	{LEI} of Firm F	{LEI} of Firm F	{LEI} of Firm F	{LEI} of Firm F
7	Buyer identification code	{LEI} of Firm F	{LEI} of Client A	{LEI} of central counterparty for trading venue X	{LEI} of Firm F
16	Seller identification code	{LEI} of central counterparty for trading venue X	{LEI} of Firm F	{LEI} of Firm F	{LEI} of Client B
28	Trading date and time	2017-06-24T14:25:13.159	2017-06-24T17:42:18.159	2017-06-24T14:25:13.159	2017-06-24T17:42:18.159
29	Trading Capacity	DEAL	DEAL	DEAL	DEAL
30	Quantity	300	300	300	300
33	Price	25	25	25	25
36	Venue	XMIC	XOFF	XMIC	XOFF



<ESMA_QUESTION_CP_TR_ORK_CS_32>

Q33: Do you require further clarity or examples for the scenarios in section 1.3.3? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_33>

Clarification on reporting requirements stated in section 1.3.3.2

FIA members would appreciate an example under 1.3.3.2 for how client A should report. Members believe that if client A is an Investment Firm with an obligation to report, it would report firm Y as the seller and not firm X as indicated in the example. Members would appreciate if ESMA could provide clarification if this is not correct.

<ESMA_QUESTION_CP_TR_ORK_CS_33>

Q34: Do you require further clarity or examples for the scenarios in section 1.3.4? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_34>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_34>

Q35: Do you require further clarity or examples for the scenarios in section 1.3.5? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_35>

Clarification on the population of Field 29 ("Trading Capacity")

Trading capacity "MTCH" for ETDs

FIA industry standard client agreements state

"In respect of every Transaction made between you and us subject to the Rules of a Market, we shall, unless otherwise agreed in relation to a particular Market, **act** as principal in any Transaction with you. We shall have made (or arranged to have made through an intermediate broker who may be an associate) on a principal-to-principal basis a matching Transaction on the relevant Market or shall accept the allocation to us of such a Transaction....."

and

"In respect of a Transaction made between us and a Market pursuant to the Rules of such Market (a "Market Transaction") and arising from an agreement made by you through a broker, multilateral or other trading facility, counterparty or any other person, a matching Transaction on a principal-to-principal basis will become binding and conclusive on you and us **immediately** upon the Market Transaction coming into effect pursuant to the Rules of the Market, whether or not the details of the Transaction have previously been confirmed to us by you."

We believe that the use of the 'immediately' and the use of 'principal-to-principal' indicates that an investment firm is acting in a matched principal capacity.

For ETDs, if

- an investment firm, is acting in a matched principal capacity, and
- the investment firm executes for a Fund Manager who allocates the transaction across a number of funds, and



- the Fund Manager is a transmitting firm and the investment firm is a receiving firm, and
- the executions on the trading venue do not match the allocation shapes to the individual funds,

the investment firm's report will need to use 'INTC' to represent the buyer / seller identification code in fields 7 / 16.

In addition, as the allocations will not occur on a 1-for-1 basis with the fills on the trading venue an average price will need to be used to allocate the required quantity to the underlying funds.

Please see below examples of how FIA members intend to report for Deal, Matched Principal and AOTC. Examples A – C outline scenarios where Transmission of Order has taken place,. Members would appreciate if ESMA could confirm any required changes if the following examples are not appropriate.

A - Trading Capacity - DEAL

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a DEAL capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:05	10:05	10:05
29	Trading capacity	DEAL	DEAL	DEAL	DEAL	DEAL
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	NI number of Investment Firm X Trader / Desk Head	NI number of Investment Firm X Trader / Desk Head	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of last fill
						Average price

B - Trading Capacity - MTCH

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a MTCH capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	MTCH	MTCH	MTCH	MTCH	MTCH
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	<BLANK>	<BLANK>	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of first fill
						Average price

C - Trading Capacity – AOTC

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a AOTC capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	-	-	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	-	-	-	-	-
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	-	-	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	-	-	-	-	-
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	NI number of Investment Firm X Trader / Desk Head	NI number of Investment Firm X Trader / Desk Head	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of 1st Fill
						Average price



Identification of Buyer / Seller Field 7 & 16

FIA Members request guidance on the population of fields 7 and 16 (the Buyer / Seller identification code). The examples show possible ways to represent a transaction with the report either identifying the Fund Manager as the Buyer or the Fund. Currently there appear to be inconsistencies on the interpretation of the text, with the FCA advising that the client is the Fund Manager and the BaFin looking for the Fund to be identified. FIA would appreciate a consistent definition from ESMA of these fields and confirmation of which example is correct.

Details of the scenarios below:

Examples D & E show how we envisage reporting could look for one execution, one allocation where example D shows reporting the Fund Manager as the Buyer and example E identifies the Fund as the Buyer. Examples G & H show how we envisage reporting could look for one execution, multiply allocations where example G shows reporting the Fund Manager as the Buyer and example H identifies the Fund as the Buyer.

Example F shows how we envisage reporting could look for one execution, where transactions are given out for clearing, where the Fund manager only supplies the Clearing Broker with the end client allocation, therefore the Executing Broker has to identify the Fund Manager as the Buyer.

Could ESMA please confirm if FIA member's interpretation of the reporting requirements is correct?

Example D : Scenario Full Service Alloc FM

Example E : Scenario Full Service Alloc fund

Example F : Scenario Give out Clearing using AOTC Capacity

Example G: Scenario Full service Mult FM

Example H: Scenario Full Service Fund

Field ID	Field Name	Report 1 Field Value	Report 2 Field Value
Scenario Full Service Alloc FM			
Investment Firm IFA			
Fund Manager FMA			
Fund 1			
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities			
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity			
Fund Manager FMA is buying under a power of representation on behalf of Funds 1			
An order to Buy 700 lots of an Option was executed in one shape of 700 @ EUR 17.00 on the 9th June 2017 at 11:45:00			
The Fund Manager places the order and confirms the following allocations all to Fund 1 at point of execution			
IFA reports the Fund Manager as the Buyer			
The following reports were submitted:			
Report 1: From Investment Firm IFA where they are executing the 700 lots			
Report 2: From the Fund Manager FMA reports allocation for Fund 1			
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value
3	Trading venue Identification Code	Code from Venue	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	LEI of Fund 1
12	Buyer decision maker code	-	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm
21	Seller decision maker code	-	-
25	Transmission of order indicator	FALSE	TRUE
26	Transmitting form identification code for the buyer	-	-
27	Transmitting form identification code for the seller	-	-
28	Trading date time	2017-06-09T11:45:00	2017-06-09T11:45:00
29	Trading capacity	AOTC	AOTC
30	Quantity	700	700
33	Price	17	17
36	Venue	MIC of Venue	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager

Please see above Example D:

Scenario Full service Alloc Fund				
Investment Firm IFA				
Fund Manager FMA				
Fund 1				
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities				
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity				
Fund Manager FMA is buying under a power of representation on behalf of Funds 1				
An order to Buy 700 lots of an Option was executed in one shape of 700 @ EUR 17.00 on the 9th June 2017 at 11:45:00				
The Fund Manager places the order and confirms the following allocations all to Fund 1 at point of execution				
IFA reports the Fund Manager as the Buyer				
The following reports were submitted:				
Report 1: From Investment Firm IFA where they are executing the 700 lots				
Report 2: From the Fund Manager FMA reports allocation for Fund 1				
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	
3	Trading venue Identification Code	Code from Venue	-	
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	
7	Buyer identification code	LEI of Fund 1	LEI of Fund 1	
12	Buyer decision maker code	LEI of Fund Manager FMA	LEI of Fund Manager FMA	
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	
21	Seller decision maker code	-	-	
25	Transmission of order indicator	FALSE	TRUE	
26	Transmitting form identification code for the buyer	-	-	
27	Transmitting form identification code for the seller	-	-	
28	Trading date time	2017-06-09T11:45:00	2017-06-09T11:45:00	
29	Trading capacity	AOTC	AOTC	
30	Quantity	700	700	
33	Price	17	17	
36	Venue	MIC of Venue	XOFF	
41	Instrument identification code	ISIN of the contract	ISIN of the contract	
57	Investment decision within firm	-	NI number of Fund Manager	
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	

Please see above example E:

Scenario Give Out for Clearing Using AOTC Capacity					
Investment Firm IFA					
Fund Manager FMA					
Clearing Broker CBA					
Funds 1 & 2					
Investment Firm IFA, Clearing Broker CBA and Fund Manager FMA are all MiFID II registered entities					
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity					
Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2					
An order to Buy 500 lots of an Option was executed in one shape of 500 @ EUR 15.00 on the 9th June 2017 at 11:00:00					
The Fund Manager confirms the following allocations: Fund 1 (300) & Fund 2 (200) to the Clearing Broker					
The following reports were submitted:					
Report 1: From Investment Firm IFA where they have executed 500 lots					
Report 2: From the Fund Manager FMA report for INTC					
Report 3: From the Fund Manager FMA reports allocation for Fund 1					
Report 4: From the Fund Manager FMA reports allocation for Fund 2					
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value
3	Trading venue Identification Code	Code from Venue	-	-	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code	-	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-
25	Transmission of order indicator	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the buyer	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-
28	Trading date time	2017-06-09T11:00:00	2017-06-09T11:00:00	2017-06-09T11:00:00	2017-06-09T11:00:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC
30	Quantity	500	500	300	200
33	Price	15	15	15	15
36	Venue	MIC of Venue	XOFF	XOFF	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
Clearing broker will not Transaction Report in this case					

Scenario Full Service Mult FM

Investment Firm IFA

Fund Manager FMA

Funds 1 & 2

Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities

Investment Firm IFA and Fund manager FMA are acting in AOTC capacity

Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2

An order to Buy 600 lots of an Option was executed in one shape of 600 @ EUR 16.00 on the 9th June 2017 at 11:30:00

The Fund Manager confirms the following allocations: Fund 1 (350) & Fund 2 (250) later in the day at 1:00 pm

The following reports were submitted:

Report 1: From Investment Firm IFA where they executed 600 lots

Report 2: From the Fund Manager FMA report for INTC

Report 3: From the Fund Manager FMA reports allocation for Fund 1

Report 4: From the Fund Manager FMA reports allocation for Fund 2

Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value
3	Trading venue Identification Code	Code from Venue	-	-	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code		-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-
25	Transmission of order indicator	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the buyer	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-
28	Trading date time	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	600	350	250
33	Price	16	16	16	16
36	Venue	MIC of Venue	XOFF	XOFF	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

Scenario Full Service Fund	
Investment Firm IFA	
Fund Manager FMA	
Funds 1 & 2	
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities	
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity	
Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2	
An order to Buy 600 lots of an Option was executed in one shape of 600 @ EUR 16.00 on the 9th June 2017 at 11:30:00	
The Fund Manager confirms the following allocations: Fund 1 (350) & Fund 2 (250) later in the day at 1:00 pm	
The following reports were submitted:	
Report 1: From Investment Firm IFA where they executed 600 lots	
Report 2: From Investment Firm IFA where they have received Fund 1 allocation of 350	
Report 3: From Investment Firm IFA where they have received Fund 2 allocation of 250	
Report 4: From the Fund Manager FMA report for INTC	
Report 5: From the Fund Manager FMA reports allocation for Fund 1	
Report 6: From the Fund Manager FMA reports allocation for Fund 2	

Field	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value	Report 6 Field Value
3	Trading venue identification	Code from Venue	-	-	-	-	-
4	Executing Entity identification	LEI of IFA Investment Firm	LEI of IFA Investment Firm	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification	INTC	LEI of Fund 1	LEI of Fund 2	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification	LEI of CCP	INTC	INTC	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-	-	-
25	Transmission of order indicator	FALSE	FALSE	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the	-	-	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-	-	-
28	Trading date time	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	350	250	600	350	250
33	Price	16	16	16	16	16	16
36	Venue	MIC of Venue	XOFF	XOFF	XOFF	XOFF	XOFF
41	Instrument identification	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within	-	-	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

<ESMA_QUESTION_CP_TR_ORK_CS_35>

Q36: Do you require further clarity or examples for the scenarios in sections 1.3.6 and 1.3.7? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_36>

Clarification on the population of Field 29 (“Trading Capacity”)

Trading capacity “MTCH” for ETDs



FIA industry standard client agreements state:

“In respect of every Transaction made between you and us subject to the Rules of a Market, we shall, unless otherwise agreed in relation to a particular Market, **act as principal** in any Transaction with you. We shall have made (or arranged to have made through an intermediate broker who may be an associate) on a **principal-to-principal basis a matching Transaction** on the relevant Market or shall accept the allocation to us of such a Transaction.....”

and

“In respect of a Transaction made between us and a Market pursuant to the Rules of such Market (a “Market Transaction”) and arising from an agreement made by you through a broker, multilateral or other trading facility, counterparty or any other person, a matching Transaction on a principal-to-principal basis will become binding and conclusive on you and us **immediately** upon the Market Transaction coming into effect pursuant to the Rules of the Market, whether or not the details of the Transaction have previously been confirmed to us by you.”

We believe that the use of the ‘immediately’ and the use of ‘principal-to-principal’ indicates that an investment firm is acting in a matched principal capacity.

For ETDs, if

- an investment firm, is acting in a matched principal capacity,
- the investment firm executes for a Fund Manager who allocates the transaction across a number of funds,
- the Fund Manager is a transmitting firm and the investment firm is a receiving firm, and
- the executions on the trading venue do not match the allocation shapes to the individual funds,

the investment firm’s report will need to use ‘INTC’ to represent the buyer / seller identification code in fields 7 / 16.

In addition, as the allocations will not occur on a 1-for-1 basis with the fills on the trading venue an average price will need to be used to allocate the required quantity to the underlying funds.

Please see below examples of how FIA members intend to report for Deal, Matched Principal and AOTC. Examples A – C outline scenarios where Transmission of Order has taken place. Members would appreciate if ESMA could confirm any required changes if the following examples are not appropriate.

A - Trading Capacity - DEAL

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a DEAL capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:05	10:05	10:05
29	Trading capacity	DEAL	DEAL	DEAL	DEAL	DEAL
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	NI number of Investment Firm X Trader / Desk Head	NI number of Investment Firm X Trader / Desk Head	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of last fill
						Average price

B - Trading Capacity - MTCH

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a MTCH capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	MTCH	MTCH	MTCH	MTCH	MTCH
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	<BLANK>	<BLANK>	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

C - Trading Capacity – AOTC

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a AOTC capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	-	-	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	-	-	-	-	-
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	-	-	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	-	-	-	-	-
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	NI number of Investment Firm X Trader / Desk Head	NI number of Investment Firm X Trader / Desk Head	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of 1st Fill
						Average price



Identification of Buyer / Seller Field 7 & 16

FIA Members request guidance on the population of fields 7 and 16 (the Buyer / Seller identification code). The examples show possible ways to represent a transaction with the report either identifying the Fund Manager as the Buyer or the Fund. Currently there appear to be inconsistencies on the interpretation of the text, with the FCA advising that the client is the Fund Manager and the BaFin looking for the Fund to be identified. FIA would appreciate a consistent definition from ESMA of these fields and confirmation of which example is correct.

Details of the scenarios below:

Examples D & E show how we envisage reporting could look for one execution, one allocation where example D shows reporting the Fund Manager as the Buyer and example E identifies the Fund as the Buyer. Examples G & H show how we envisage reporting could look for one execution, multiply allocations where example G shows reporting the Fund Manager as the Buyer and example H identifies the Fund as the Buyer.

Example F shows how we envisage reporting could look for one execution, where transactions are given out for clearing, where the Fund manager only supplies the Clearing Broker with the end client allocation, therefore the Executing Broker has to identify the Fund Manager as the Buyer.

Could ESMA please confirm that FIA member's interpretation of the reporting requirements is correct?

Example D : Scenario Full Service Alloc FM

Example E : Scenario Full Service Alloc fund

Example F : Scenario Give out Clearing using AOTC Capacity

Example G: Scenario Full service Mult FM

Example H: Scenario Full Service Fund

Scenario Full Service Alloc FM				
Investment Firm IFA				
Fund Manager FMA				
Fund 1				
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities				
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity				
Fund Manager FMA is buying under a power of representation on behalf of Funds 1				
An order to Buy 700 lots of an Option was executed in one shape of 700 @ EUR 17.00 on the 9th June 2017 at 11:45:00				
The Fund Manager places the order and confirms the following allocations all to Fund 1 at point of execution				
IFA reports the Fund Manager as the Buyer				
The following reports were submitted:				
Report 1: From Investment Firm IFA where they are executing the 700 lots				
Report 2: From the Fund Manager FMA reports allocation for Fund 1				
Field ID	Field Name	Report 1 Field Value		Report 2 Field Value
3	Trading venue Identification Code	Code from Venue		-
4	Executing Entity identification code	LEI of IFA Investment Firm		LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM		LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA		LEI of Fund 1
12	Buyer decision maker code	-		LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP		LEI of IFA Investment Firm
21	Seller decision maker code	-		-
25	Transmission of order indicator	FALSE		TRUE
26	Transmitting form identification code for the buyer	-		-
27	Transmitting form identification code for the seller	-		-
28	Trading date time	2017-06-09T11:45:00		2017-06-09T11:45:00
29	Trading capacity	AOTC		AOTC
30	Quantity	700		700
33	Price	17		17
36	Venue	MIC of Venue		XOFF
41	Instrument identification code	ISIN of the contract		ISIN of the contract
57	Investment decision within firm	-		NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader		NI number of Fund Manager

Please see above Example D:

Scenario Full service Alloc Fund				
Investment Firm IFA				
Fund Manager FMA				
Fund 1				
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities				
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity				
Fund Manager FMA is buying under a power of representation on behalf of Funds 1				
An order to Buy 700 lots of an Option was executed in one shape of 700 @ EUR 17.00 on the 9th June 2017 at 11:45:00				
The Fund Manager places the order and confirms the following allocations all to Fund 1 at point of execution				
IFA reports the Fund Manager as the Buyer				
The following reports were submitted:				
Report 1: From Investment Firm IFA where they are executing the 700 lots				
Report 2: From the Fund Manager FMA reports allocation for Fund 1				
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	
3	Trading venue Identification Code	Code from Venue	-	
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	
7	Buyer identification code	LEI of Fund 1	LEI of Fund 1	
12	Buyer decision maker code	LEI of Fund Manager FMA	LEI of Fund Manager FMA	
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	
21	Seller decision maker code	-	-	
25	Transmission of order indicator	FALSE	TRUE	
26	Transmitting form identification code for the buyer	-	-	
27	Transmitting form identification code for the seller	-	-	
28	Trading date time	2017-06-09T11:45:00	2017-06-09T11:45:00	
29	Trading capacity	AOTC	AOTC	
30	Quantity	700	700	
33	Price	17	17	
36	Venue	MIC of Venue	XOFF	
41	Instrument identification code	ISIN of the contract	ISIN of the contract	
57	Investment decision within firm	-	NI number of Fund Manager	
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	

Please see above example E:

Scenario Give Out for Clearing Using AOTC Capacity

Investment Firm IFA
 Fund Manager FMA
 Clearing Broker CBA
 Funds 1 & 2
 Investment Firm IFA, Clearing Broker CBA and Fund Manager FMA are all MiFID II registered entities
 Investment Firm IFA and Fund manager FMA are acting in AOTC capacity
 Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2

An order to Buy 500 lots of an Option was executed in one shape of 500 @ EUR 15.00 on the 9th June 2017 at 11:00:00

The Fund Manager confirms the following allocations: Fund 1 (300) & Fund 2 (200) to the Clearing Broker

The following reports were submitted:

Report 1: From Investment Firm IFA where they have executed 500 lots

Report 2: From the Fund Manager FMA report for INTC

Report 3: From the Fund Manager FMA reports allocation for Fund 1

Report 4: From the Fund Manager FMA reports allocation for Fund 2

		Report 1	Report 2	Report 3	Report 4
Field ID	Field Name	Field Value	Field Value	Field Value	Field Value
3	Trading venue Identification Code	Code from Venue	-	-	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code	-	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-
25	Transmission of order indicator	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the buyer	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-
28	Trading date time	2017-06-09T11:00:00	2017-06-09T11:00:00	2017-06-09T11:00:00	2017-06-09T11:00:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC
30	Quantity	500	500	300	200
33	Price	15	15	15	15
36	Venue	MIC of Venue	XOFF	XOFF	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

Clearing broker will not Transaction Report in this case

Scenario Full Service Mult FM

Investment Firm IFA

Fund Manager FMA

Funds 1 & 2

Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities

Investment Firm IFA and Fund manager FMA are acting in AOTC capacity

Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2

An order to Buy 600 lots of an Option was executed in one shape of 600 @ EUR 16.00 on the 9th June 2017 at 11:30:00

The Fund Manager confirms the following allocations: Fund 1 (350) & Fund 2 (250) later in the day at 1:00 pm

The following reports were submitted:

Report 1: From Investment Firm IFA where they executed 600 lots

Report 2: From the Fund Manager FMA report for INTC

Report 3: From the Fund Manager FMA reports allocation for Fund 1

Report 4: From the Fund Manager FMA reports allocation for Fund 2

Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value
3	Trading venue Identification Code	Code from Venue	-	-	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code		-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-
25	Transmission of order indicator	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the buyer	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-
28	Trading date time	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	600	350	250
33	Price	16	16	16	16
36	Venue	MIC of Venue	XOFF	XOFF	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

Scenario Full Service Fund
Investment Firm IFA
Fund Manager FMA

Funds 1 & 2
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity
Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2

An order to Buy 600 lots of an Option was executed in one shape of 600 @ EUR 16.00 on the 9th June 2017 at 11:30:00
The Fund Manager confirms the following allocations: Fund 1 (350) & Fund 2 (250) later in the day at 1:00 pm

The following reports were submitted:
Report 1: From Investment Firm IFA where they executed 600 lots
Report 2: From Investment Firm IFA where they have received Fund 1 allocation of 350
Report 3: From Investment Firm IFA where they have received Fund 2 allocation of 250
Report 4: From the Fund Manager FMA report for INTC
Report 5: From the Fund Manager FMA reports allocation for Fund 1
Report 6: From the Fund Manager FMA reports allocation for Fund 2

Field Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value	Report 6 Field Value
3 Trading venue identification	Code from Venue	-	-	-	-	-
4 Executing Entity identification	LEI of IFA Investment Firm	LEI of IFA Investment Firm	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6 Submitting Entity identification	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7 Buyer identification	INTC	LEI of Fund 1	LEI of Fund 2	INTC	LEI of Fund 1	LEI of Fund 2
12 Buyer decision maker code	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16 Seller identification	LEI of CCP	INTC	INTC	LEI of IFA Investment Firm	INTC	INTC
21 Seller decision maker code	-	-	-	-	-	-
25 Transmission of order indicator	FALSE	FALSE	FALSE	TRUE	TRUE	TRUE
26 Transmitting form identification code for the	-	-	-	-	-	-
27 Transmitting form identification code for the seller	-	-	-	-	-	-
28 Trading date time	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00
29 Trading capacity	AOTC	AOTC	AOTC	AOTC	AOTC	AOTC
30 Quantity	600	350	250	600	350	250
33 Price	16	16	16	16	16	16
36 Venue	MIC of Venue	XOFF	XOFF	XOFF	XOFF	XOFF
41 Instrument identification	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57 Investment decision within	-	-	-	-	NI number of Fund Manager	NI number of Fund Manager
59 Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

<ESMA_QUESTION_CP_TR_ORK_CS_36>

Q37: Do you require further clarity or examples for the scenarios in section 1.3.8? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_37>

Clarification on population of field 25 (Transmission of order indicator)



FIA members understand that a Transmitting Investment Firm acting in an Agency capacity should report 'true' in field 25, regardless of whether the firm a) tried and failed to transmit; or b) simply did not choose to transmit.

Further if an Investment Firm is acting in an Agency Capacity but is executing on the venue itself field 25 would be populated with 'false'.

It is our understanding 'false' should be populated in all other circumstances. Members would appreciate if ESMA could confirm this understanding.

Please see illustrated examples below:

A - Trading Capacity - DEAL

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a DEAL capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:05	10:05	10:05
29	Trading capacity	DEAL	DEAL	DEAL	DEAL	DEAL
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	NI number of Investment Firm X Trader / Desk Head	NI number of Investment Firm X Trader / Desk Head	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of last fill
						Average price

B - Trading Capacity - MTCH

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a MTCH capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	<BLANK>	<BLANK>	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	<BLANK>	<BLANK>	<BLANK>	<BLANK>	<BLANK>
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	MTCH	MTCH	MTCH	MTCH	MTCH
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	<BLANK>	<BLANK>	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

C - Trading Capacity – AOTC

Scenario						
Investment Firm X						
Fund Manager Y						
Funds 1,2 & 3						
Fund Manager Y is transmitting the order to Investment Firm X						
Investment Firm X and Fund Manager Y are MiFID II registered entities						
Investment Firm X is acting in a AOTC capacity						
Fund Manager Y is buying under a power of representation on behalf of Funds 1, 2 & 3						
An order for 1000 lots was executed as follows: 600 @ EUR9.5 (10:00am) and 400 @ EUR 10.0 (10:05am)						
The Fund Manager allocated as follows: Fund 1 (100), Fund 2 (700), Fund 3 (200) @ average price 9.7						
The following reports were submitted:						
Report 1: Investment Firm X facing the CCP for the execution of 600						
Report 2: Investment Firm X facing the CCP for the execution of 400						
Report 3: Investment Firm X for shares allocated to Fund 1 (Successful transmission by Fund Manager)						
Report 4: Investment Firm X for shares allocated to Fund 2 (Successful transmission by Fund Manager)						
Report 5: Investment Firm X for shares allocated to Fund 3 (Successful transmission by Fund Manager)						
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value
4	Executing Entity identification code	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm	LEI of X Investment Firm
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	INTC	INTC	LEI of Fund 1	LEI of Fund 2	LEI of Fund 3
12	Buyer decision maker code	-	-	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
16	Seller identification code	LEI of CCP	LEI of CCP	INTC	INTC	INTC
21	Seller decision maker code	-	-	-	-	-
25	Transmission of order indicator	FALSE	FALSE	FALSE	FALSE	FALSE
26	Transmitting form identification code for the buyer	-	-	LEI of Fund Manager Y	LEI of Fund Manager Y	LEI of Fund Manager Y
27	Transmitting form identification code for the seller	-	-	-	-	-
28	Trading date time	10:00	10:05	10:00	10:00	10:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	400	100	700	200
33	Price	9.5	10	9.7	9.7	9.7
36	Venue	MIC of Venue	MIC of Venue	XOFF	XOFF	XOFF
57	Investment decision within firm	NI number of Investment Firm X Trader / Desk Head	NI number of Investment Firm X Trader / Desk Head	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
						Time of 1st Fill
						Average price



Identification of Buyer / Seller Field 7 & 16

FIA Members request guidance on the population of fields 7 and 16 (the Buyer / Seller identification code). The examples show possible ways to represent a transaction with the report either identifying the Fund Manager as the Buyer or the Fund. Currently there appear to be inconsistencies on the interpretation of the text, with the FCA advising that the client is the Fund Manager and the BaFin looking for the Fund to be identified. FIA would appreciate a consistent definition from ESMA of these fields and confirmation of which example is correct.

Details of the scenarios below:

Examples D & E show how we envisage reporting could look for one execution, one allocation where example D shows reporting the Fund Manager as the Buyer and example E identifies the Fund as the Buyer. Examples G & H show how we envisage reporting could look for one execution, multiply allocations where example G shows reporting the Fund Manager as the Buyer and example H identifies the Fund as the Buyer.

Example F shows how we envisage reporting could look for one execution, where transactions are given out for clearing, where the Fund manager only supplies the Clearing Broker with the end client allocation, therefore the Executing Broker has to identify the Fund Manager as the Buyer.

Could ESMA please confirm that FIA member's interpretation of reporting is correct?

Example D : Scenario Full Service Alloc FM

Example E : Scenario Full Service Alloc fund

Example F : Scenario Give out Clearing using AOTC Capacity

Example G: Scenario Full service Mult FM

Example H: Scenario Full Service Fund

Scenario Full Service Alloc FM				
Investment Firm IFA				
Fund Manager FMA				
Fund 1				
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities				
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity				
Fund Manager FMA is buying under a power of representation on behalf of Funds 1				
An order to Buy 700 lots of an Option was executed in one shape of 700 @ EUR 17.00 on the 9th June 2017 at 11:45:00				
The Fund Manager places the order and confirms the following allocations all to Fund 1 at point of execution				
IFA reports the Fund Manager as the Buyer				
The following reports were submitted:				
Report 1: From Investment Firm IFA where they are executing the 700 lots				
Report 2: From the Fund Manager FMA reports allocation for Fund 1				
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	
3	Trading venue Identification Code	Code from Venue	-	
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	
7	Buyer identification code	LEI of Fund Manager FMA	LEI of Fund 1	
12	Buyer decision maker code	-	LEI of Fund Manager FMA	
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	
21	Seller decision maker code	-	-	
25	Transmission of order indicator	FALSE	TRUE	
26	Transmitting form identification code for the buyer	-	-	
27	Transmitting form identification code for the seller	-	-	
28	Trading date time	2017-06-09T11:45:00	2017-06-09T11:45:00	
29	Trading capacity	AOTC	AOTC	
30	Quantity	700	700	
33	Price	17	17	
36	Venue	MIC of Venue	XOFF	
41	Instrument identification code	ISIN of the contract	ISIN of the contract	
57	Investment decision within firm	-	NI number of Fund Manager	
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	

Please see above Example D:

Scenario Full service Alloc Fund				
Investment Firm IFA				
Fund Manager FMA				
Fund 1				
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities				
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity				
Fund Manager FMA is buying under a power of representation on behalf of Funds 1				
An order to Buy 700 lots of an Option was executed in one shape of 700 @ EUR 17.00 on the 9th June 2017 at 11:45:00				
The Fund Manager places the order and confirms the following allocations all to Fund 1 at point of execution				
IFA reports the Fund Manager as the Buyer				
The following reports were submitted:				
Report 1: From Investment Firm IFA where they are executing the 700 lots				
Report 2: From the Fund Manager FMA reports allocation for Fund 1				
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	
3	Trading venue Identification Code	Code from Venue	-	
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	
7	Buyer identification code	LEI of Fund 1	LEI of Fund 1	
12	Buyer decision maker code	LEI of Fund Manager FMA	LEI of Fund Manager FMA	
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	
21	Seller decision maker code	-	-	
25	Transmission of order indicator	FALSE	TRUE	
26	Transmitting form identification code for the buyer	-	-	
27	Transmitting form identification code for the seller	-	-	
28	Trading date time	2017-06-09T11:45:00	2017-06-09T11:45:00	
29	Trading capacity	AOTC	AOTC	
30	Quantity	700	700	
33	Price	17	17	
36	Venue	MIC of Venue	XOFF	
41	Instrument identification code	ISIN of the contract	ISIN of the contract	
57	Investment decision within firm	-	NI number of Fund Manager	
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	

Please see above example E:

Scenario Give Out for Clearing Using AOTC Capacity					
Investment Firm IFA					
Fund Manager FMA					
Clearing Broker CBA					
Funds 1 & 2					
Investment Firm IFA, Clearing Broker CBA and Fund Manager FMA are all MiFID II registered entities					
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity					
Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2					
An order to Buy 500 lots of an Option was executed in one shape of 500 @ EUR 15.00 on the 9th June 2017 at 11:00:00					
The Fund Manager confirms the following allocations: Fund 1 (300) & Fund 2 (200) to the Clearing Broker					
The following reports were submitted:					
Report 1: From Investment Firm IFA where they have executed 500 lots					
Report 2: From the Fund Manager FMA report for INTC					
Report 3: From the Fund Manager FMA reports allocation for Fund 1					
Report 4: From the Fund Manager FMA reports allocation for Fund 2					
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value
3	Trading venue Identification Code	Code from Venue	-	-	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code	-	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-
25	Transmission of order indicator	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the buyer	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-
28	Trading date time	2017-06-09T11:00:00	2017-06-09T11:00:00	2017-06-09T11:00:00	2017-06-09T11:00:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC
30	Quantity	500	500	300	200
33	Price	15	15	15	15
36	Venue	MIC of Venue	XOFF	XOFF	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager
Clearing broker will not Transaction Report in this case					

Scenario Full Service Mult FM

Investment Firm IFA
Fund Manager FMA

Funds 1 & 2

Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities

Investment Firm IFA and Fund manager FMA are acting in AOTC capacity

Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2

An order to Buy 600 lots of an Option was executed in one shape of 600 @ EUR 16.00 on the 9th June 2017 at 11:30:00
The Fund Manager confirms the following allocations: Fund 1 (350) & Fund 2 (250) later in the day at 1:00 pm

The following reports were submitted:

Report 1: From Investment Firm IFA where they executed 600 lots

Report 2: From the Fund Manager FMA report for INTC

Report 3: From the Fund Manager FMA reports allocation for Fund 1

Report 4: From the Fund Manager FMA reports allocation for Fund 2

Field ID	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value
3	Trading venue Identification Code	Code from Venue	-	-	-
4	Executing Entity identification code	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification code	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification code	LEI of Fund Manager FMA	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code		-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification code	LEI of CCP	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-
25	Transmission of order indicator	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the buyer	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-
28	Trading date time	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	600	350	250
33	Price	16	16	16	16
36	Venue	MIC of Venue	XOFF	XOFF	XOFF
41	Instrument identification code	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within firm	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

Scenario Full Service Fund
Investment Firm IFA
Fund Manager FMA

Funds 1 & 2
Investment Firm IFA and Fund Manager FMA are all MiFID II registered entities
Investment Firm IFA and Fund manager FMA are acting in AOTC capacity
Fund Manager FMA is buying under a power of representation on behalf of Funds 1 & 2

An order to Buy 600 lots of an Option was executed in one shape of 600 @ EUR 16.00 on the 9th June 2017 at 11:30:00
The Fund Manager confirms the following allocations: Fund 1 (350) & Fund 2 (250) later in the day at 1:00 pm

The following reports were submitted:
Report 1: From Investment Firm IFA where they executed 600 lots
Report 2: From Investment Firm IFA where they have received Fund 1 allocation of 350
Report 3: From Investment Firm IFA where they have received Fund 2 allocation of 250
Report 4: From the Fund Manager FMA report for INTC
Report 5: From the Fund Manager FMA reports allocation for Fund 1
Report 6: From the Fund Manager FMA reports allocation for Fund 2

Field	Field Name	Report 1 Field Value	Report 2 Field Value	Report 3 Field Value	Report 4 Field Value	Report 5 Field Value	Report 6 Field Value
3	Trading venue identification	Code from Venue	-	-	-	-	-
4	Executing Entity identification	LEI of IFA Investment Firm	LEI of IFA Investment Firm	LEI of IFA Investment Firm	LEI of Fund Manager FMA	LEI of Fund Manager FMA	LEI of Fund Manager FMA
6	Submitting Entity identification	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM	LEI of ARM
7	Buyer identification	INTC	LEI of Fund 1	LEI of Fund 2	INTC	LEI of Fund 1	LEI of Fund 2
12	Buyer decision maker code	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA	-	LEI of Fund Manager FMA	LEI of Fund Manager FMA
16	Seller identification	LEI of CCP	INTC	INTC	LEI of IFA Investment Firm	INTC	INTC
21	Seller decision maker code	-	-	-	-	-	-
25	Transmission of order indicator	FALSE	FALSE	FALSE	TRUE	TRUE	TRUE
26	Transmitting form identification code for the	-	-	-	-	-	-
27	Transmitting form identification code for the seller	-	-	-	-	-	-
28	Trading date time	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00	2017-06-09T11:30:00
29	Trading capacity	AOTC	AOTC	AOTC	AOTC	AOTC	AOTC
30	Quantity	600	350	250	600	350	250
33	Price	16	16	16	16	16	16
36	Venue	MIC of Venue	XOFF	XOFF	XOFF	XOFF	XOFF
41	Instrument identification	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract	ISIN of the contract
57	Investment decision within	-	-	-	-	NI number of Fund Manager	NI number of Fund Manager
59	Execution within firm	Nation ID of IFA Trader	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager	NI number of Fund Manager

<ESMA_QUESTION_CP_TR_ORK_CS_37>

Q38: Do you require further clarity or examples for the scenario in section 1.3.9? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_38>
TYPE YOUR TEXT HERE



<ESMA_QUESTION_CP_TR_ORK_CS_38>

Q39: Do you require further clarity or examples for the scenario in section 1.3.10? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_39>

Clarification on reporting requirements under a DEA scenario

FIA members understand a DEA Provider and DEA Client should report the transaction executed at the Exchange. Members intend to report as outlined in the following example. Members would appreciate if ESMA could confirm this understanding.

Reporting under a DEA scenario					
Client D uses Firm A's DEA to execute 100 instruments on Exchange X					
Person A makes the investment decision at Client D and Person B executes the transaction					
Person A and Person B are employees of Client D					
Firm A is acting on any other trading capacity					
Report 1 is submitted by Firm A - the DEA provider					
Report 2 is submitted by Client D - the DEA client					
Field ID	Field Name	Report 1 Field Value	Report 2 Field Value		
4	Executing entity identification code	{LEI} of Firm A	{LEI} of Client D		
7	Buyer identification code	{LEI} of Client D	{LEI} of Client D		
16	Seller identification code	{LEI} of central counterparty for trading venue X	{LEI} of Firm A		
29	Trading Capacity	AOTC	DEAL		
36	Venue	XMIC	XOFF		
57	Investment decision within Firm		{NATIONAL_ID} of person A making the investment decision		
59	Execution with the Firm		{NATIONAL_ID} of person B executing the order		

In the above example, for Report 1, fields 57 and 59 have been left blank as neither the investment decision nor the execution were performed by anyone at Firm A even though it is stated that field 59 must be populated for all new transaction reports. FIA members would appreciate if ESMA can confirm that this understanding is accurate.

FIA members would also like to confirm if the value to be populated by the DEA provider in the Execution within firm field should contain the details of the person within the firm who has approved of the DEA Client relationship (if this field is in scope for DEA provider)

<ESMA_QUESTION_CP_TR_ORK_CS_39>

Q40: Do you require further clarity or examples for the scenario in section 1.3.11? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_40>

Clarification on the obligation to report a transaction in a give-up scenario

Within the previous ESMA Consultation Paper (ESMA/2014/1570, 19 December 2014), section 8.2 “Obligation to Report Transaction” Item 13 page 561, states:

“ESMA recognises the need for clarity in this area and confirms that CAs are not interested in receiving any transactions that arise solely and exclusively for clearing and/or settlement purposes.⁶²”

With the reference to ‘62’ being:

“In some scenarios the clearing broker rather than the executing broker has the obligation to report because only the clearing broker has the client information. ESMA clarifies that in such a scenario the clearing broker is executing for transaction reporting purposes and must report that execution. In this instance they are reporting the execution rather than clearing activity.”

FIA members have not seen reference to this scenario, and will not look to Transaction Report give-in trades for clearing, (i.e. where a broker that is not the clearing firm executes a trade on behalf of a client and gives the trade up to another organisation for clearing and settlement purposes only) FIA members would appreciate if ESMA can confirm that this understanding is accurate.

<ESMA_QUESTION_CP_TR_ORK_CS_40>

Q41: Do you require further clarity or examples for the scenarios in sections 1.3.12 and 1.3.13? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_41>

Clarification on reporting requirements for transactions reportable under the Securities Financing Transactions Regulation (SFTR)

Reporting exemption under SFTR

FIA members understand that the reporting of transactions that are reportable under SFTR, but exempted from SFTR and will therefore be reportable under MiFIR / MiFID II, should only commence once SFTR enters into force (Reference Consultation Paper Section 1.1.7.1 Security Financing Transactions.)

<ESMA_QUESTION_CP_TR_ORK_CS_41>

Q42: Are there any other equity or equity like instruments scenarios which require further clarification?

<ESMA_QUESTION_CP_TR_ORK_CS_42>

Clarification on product scope

Please see below list of Equity contracts traded on Non-EEA trading venues that FIA members deem to be out of Scope for MiFID II/ MiFIR reporting. Could ESMA please confirm that this understanding is correct?

Please be advised that this list is non-exhaustive and represents a sample of products that would be out of scope. Could ESMA please confirm that similar Equity contracts that are traded on Non-EEA trading venues are also out of scope?



The following Exchange Traded Derivatives are out of scope for MiFID II transaction reporting:

KRX Korean Stock Futures where the underlying company is listed on the London Stock Exchange.

- Traded as Global Depository Receipts (GDRs) on LSE and not the shares

- LSE and Korean ISIN issuers are different

Company on LSE	LSE Sector	Country of incorporation	LSE ISIN	Product Traded	Share registration	Korea ISIN
HANATOUR SERVICE INC	Travel & Leisure	KR	US4096502079	GDR	NYSE and KSE	KR7039130000
HYUNDAI MOTOR CO	Automobiles & Parts	KR	US4491877076	GDR	NYSE and KSE	KR7069960003
KUMHO TIRE CO INC	Automobiles & Parts	KR	US50125M2052	GDR	NYSE and KSE	KR7011780004
LG ELECTRONICS INC	Leisure Goods	KR	US50186Q2021	GDR	NYSE and KSE	KR7001120005
LOTTE SHOPPING CO LTD	General Retailers	KR	US54569T1060	GDR	NYSE and KSE	KR7005300009
MACQUARIE KOREA INFRASTRUCTURE FUND	Industrial Transportation	KR	US5560822042	GDR	NYSE and KSE	KR7088980008
MANDO MACHINERY CORP	Oil & Gas Producers	KR	USY576241019	GDR	NYSE and KSE	KR7204320006
SAMSUNG ELECTRONICS CO	Leisure Goods	KR	US7960508882	GDR	NYSE and KSE	KR7005930003
SK TELECOM	Mobile Telecommunications	KR	US78440P1084	GDR	NYSE and KSE	KR7017670001

FIA members would further appreciate if ESMA were able to make available a list of reportable (in-scope) MIFID products that are available for trading on non-EEA trading venues

<ESMA_QUESTION_CP_TR_ORK_CS_42>

Q43: Are there any other bonds or other form of securitised debt scenarios which require further clarification?

<ESMA_QUESTION_CP_TR_ORK_CS_43>

Population of field 35 (Net amount) and field 54 (Maturity date)

FIA members assume the population of the net amount (field 35) and the maturity date (field 54) will be out of scope for ETD. Members would appreciate if ESMA could provide clarification if this is not correct.

<ESMA_QUESTION_CP_TR_ORK_CS_43>

Q44: Are there any other options scenarios which require further clarification?

<ESMA_QUESTION_CP_TR_ORK_CS_44>

Clarification on reporting requirements when an ISIN is not available

FIA members understand that for Exchange Traded derivative contracts executed on a trading venue, where an ISIN is not available at the point of execution, the regulatory requirement is to report applicable fields 42 through to 56. Further, members understand that the transactions reported will have to be cancelled and re-reported once the ISINs are provided by the trading venues.

FIA members would like to confirm with ESMA that the example provided below is in line with ESMA's expectations for reporting non-EEA instruments with underlying instruments trading on EEA venue.

		Report 1
Field ID	Field Name	Field Value
4	Executing entity identification code	{LEI} of Firm F
7	Buyer identification code	{LEI} of Firm F
16	Seller identification code	{LEI} of central counterparty for trading venue X
29	Trading Capacity	DEAL
30	Quantity	150
33	Price	104.5
34	Price Currency	USD
36	Venue	XMIC
41	Instrument Identification code	Vodafone Group PLC Flex Option
42	Instrument classification	OCEICS
46	Price Multiplier	100
47	Underlying Index Code	GB00BH4HKS39
48	Underlying Index Name	Vodafone Group PLC
50	Option Type	CALL
51	Strike Price	105
52	Strike Price Currency	USD
53	Option Exercise Style	EURO
55	Expiry Date	2017-08-14
56	Delivery Type	CASH

<ESMA_QUESTION_CP_TR_ORK_CS_44>

Q45: Are there any other contract for difference or spreadbet scenarios which require further clarification?

<ESMA_QUESTION_CP_TR_ORK_CS_45>
TYPE YOUR TEXT HERE



<ESMA_QUESTION_CP_TR_ORK_CS_45>

Q46: Are there any other credit default swaps scenarios which require further clarification?

<ESMA_QUESTION_CP_TR_ORK_CS_46>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_46>

Q47: Are there any other swap scenarios which require further clarification?

<ESMA_QUESTION_CP_TR_ORK_CS_47>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_47>

Q48: Are there any other commodities based derivatives scenarios which require further clarification?

<ESMA_QUESTION_CP_TR_ORK_CS_48>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_48>

Q49: Are there any other strategy trades scenarios which require further clarification?

<ESMA_QUESTION_CP_TR_ORK_CS_49>

Clarification on the reporting of combinations of financial instruments

With reference to Article 12 of RTS 22 and Section 1.4.3.9 of the Consultation Paper (ESMA/2015/1909) which detail “reporting of combinations of financial instruments” and an example of reporting “Strategy trades” respectively.

Article 12 states that “where a firm executes a transaction in a combination of two or more financial instruments, the investment firm shall report the transaction for each financial instrument separately and shall link those reports by an identifier....”

Section 1.4.3.9 of the Consultation Paper describes that in addition to the linkage by an identifier that both legs of a Bund Future and Eurex Bond strategy are reported with a common price of 20 EUR, being the overall price of the strategy.

Within the ETD market, volatility strategies are widely traded with firms executing combinations of two or more financial instruments simultaneously.

Examples of these are a straddle and a vertical call spread:

1 The buyer of a straddle combination buys component 1, a call option, and buys component 2, a put option with the same underlying, expiration month and exercise price.

For example the call would be priced at 120 and the put 123 giving an overall strategy value of 243 – the sum of both premium prices.

2 The buyer of a vertical call spread combination buys component 1, a call option, and sells component 2, a call option with the same underlying and expiration month as component 1, but with a higher exercise price.



For example the lower strike call would be priced at 10 and the higher strike call would be priced at 4 giving an overall strategy value of 6 – the sum of both premium prices.

In both example strategies, the price of the underlying instruments reflect the execution prices of the individual component instruments that are being traded i.e. as if you were to trade the components individually not collectively. Firms can trade in and out of the components individually offsetting the position the strategy provided.

Consequently, firms capture the components with their individual execution prices and variation margin is calculated versus these.

Given that the RTS' request that combinations are joined via an identifier thus enabling clear sight of the overall strategy, FIA members would appreciate it if ESMA can clarify whether they should report the individual execution prices on each leg to accurately reflect execution at the exchange?

<ESMA_QUESTION_CP_TR_ORK_CS_49>

Q50: Is the difference between aggregated orders and pending allocations sufficiently clear?

<ESMA_QUESTION_CP_TR_ORK_CS_50>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_50>

Q51: Do you require further clarity on the proposals made in sections 2.1 to 2.11? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_51>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_51>

Q52: Do you agree require further clarity on the proposals made in section 2.12? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_52>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_52>

Q53: Do you require further clarity on the proposals made in section 2.13? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_53>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP_TR_ORK_CS_53>

Q54: Are there any further clarifications required on the concept of 'reportable event'? If yes, please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_54>

FIA supports the responses submitted by the FIX Sub-group on Clock Synchronisation

<ESMA_QUESTION_CP_TR_ORK_CS_54>

Q55: Is it sufficiently clear at what point OTC transactions shall be time-stamped? If not, please elaborate.



<ESMA_QUESTION_CP_TR_ORK_CS_55>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP_TR_ORK_CS_55>

Q56: Do you require further clarity on the content of Article 4 of RTS 25? Please elaborate.

<ESMA_QUESTION_CP_TR_ORK_CS_56>
FIA supports the responses submitted by the FIX Sub-group on Clock Synchronisation
<ESMA_QUESTION_CP_TR_ORK_CS_56>

Q57: Do you agree with the proposals made in sections 3.2 to 3.4? Please elaborate. Are there any further clarifications required?

<ESMA_QUESTION_CP_TR_ORK_CS_57>
FIA supports the responses submitted by the FIX Sub-group on Clock Synchronisation
<ESMA_QUESTION_CP_TR_ORK_CS_57>