TRANSACTION DATA REPORTING AND ORDER BOOK DATA (RTS 22&24)

ESMA'S CONSULTATION

AMAFI's answer

AMAFI is the trade association representing financial markets' participants of the sell-side industry located in France. It has a wide and diverse membership of more than 170 global and local institutions notably investment firms, credit institutions, broker-dealers, exchanges and private banks. They operate in all market segments, such as equities, bonds and derivatives including commodities derivatives. AMAFI represents and supports its members at national, European and international levels, from the drafting of the legislation to its implementation. Through our work, we seek to promote a regulatory framework that enables the development of sound, efficient and competitive capital markets for the benefit of investors, businesses and the economy in general.

AMAFI welcomes the opportunity to respond to ESMA's consultation on the revision of RTS 22 (transaction reporting) and RTS 24 (order book records) in light of the MiFIR review. AMAFI provides hereafter a few general observations. Only the questions to which AMAFI provides an answer are listed henceforth.

General Comments

Before addressing the specific questions, AMAFI would like to highlight several important points concerning the proposed changes in Transaction Reporting:

- AMAFI observes that the consultation introduces **numerous new requirements necessitating a profound overhaul of the transaction reporting chain**. While aligning RTS 22 with EMIR and SFTR reporting frameworks is intended to improve consistency, we question its necessity, as some proposals extend beyond trade reporting purposes and duplicate efforts already covered by post-trade transparency frameworks. Such redundancies impose significant costs on Financial Market Participants (FMPs) without clear value addition.

- The **introduction of new reporting fields** is not systematically accompanied by a cost-benefit analysis, leading to uncertainties regarding their relevance and contribution to the market abuse detection framework (e.g., the 17 new subfields in the 'Instrument Details' section). In some cases, the rationale for their inclusion is unclear, and the definitions of certain fields (e.g., 'Validity Timestamp') lack precision, further complicating implementation and raising concerns about their necessity and effectiveness in achieving regulatory objectives.

- The **introduction of identifiers** such as TIC and Chaîne-ID introduces significant operational complexity and cost for European entities, requiring FMPs to design mechanisms for their generation, validation, and seamless propagation across the reporting chain. Drawing from the UTI implementation experience under EMIR, such identifiers often introduce ambiguities in their interpretation and application, leading to inconsistencies, reduced data integrity, and elevated compliance risks. Ensuring robust guidelines and system harmonisation is critical to mitigate these challenges and maintain reporting quality.

- **Frequent changes to transaction reporting requirements** hinder FMPs' ability to stabilise processes and implement robust controls to ensure accurate reporting. These continuous adjustments impose significant costs, disproportionately affecting small and mid-sized brokers, further exacerbating barriers to entry in capital markets. This trend undermines efforts to maintain a liquid market for the financing of businesses of all sizes, as envisioned in the Draghi report. These changes also compete for resources with major initiatives like T+1 settlement cycles and the RIS framework, where T+1 is likely to take priority due to its fundamental impact on market competitiveness. As T+1 demands significant industry focus, reporting changes risk being implemented hastily, reducing their effectiveness.

- **Some proposed changes to transaction reporting appear to be 'nice-to-have' improvements rather than critical measures to help fight market abuse.** A distinction should be made between changes that are required to address actual supervisory challenges and those that are less essential or merely optional. Such non-urgent changes could be further evaluated or even abandoned. For example, the shift from XML to JSON reporting format seems unnecessary at this time, as it adds complexity and costs without demonstrating a tangible improvement in supervisory outcomes. AMAFI urges ESMA to prioritise essential reforms to ensure that the regulatory burden on market participants remains proportionate.

In conclusion, at a time when reducing regulatory burdens is critical for enhancing competitiveness, AMAFI highlights concerns that the proposed changes undermine this objective. Any changes to MiFIR or other regulations should be carefully considered for their real added value. We support aligning reporting requirements only when it clearly enhances transparency and efficiency, while ensuring the relevance and coherence of the information collected. Simplifying obligations and eliminating redundancies should remain a key priority.

ASSOCIATION FRANÇAISE DES MARCHÉS FINANCIERS

AMAFI'S ANSWERS TO ESMA'S QUESTIONS

PART 1: CONSULTATION PAPER ON THE AMENDMENT TO RTS 22

SECTION 3 – SCOPE OF THE REPORTING

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

We emphasise below several areas where further adjustments or clarifications are essential to enhance the accuracy and comprehensiveness of transaction reporting under the revised Article 26(2).

1. Scope Adjustments

The proposed amendments to Article 26(2) will reduce the scope of reporting, particularly for OTC derivatives. FX forwards and IRS transactions traded off-venue will no longer be subject to reporting, as the TOTV criteria under Article 8(a)(2) is removed. This is a welcome change, as it reduces the reporting burden for OTC derivatives.

However, there is a risk that certain centrally cleared products, which are not traded on venues (non-TOTV), may still fall within the scope of Article 8(a)(2), given their clearing obligation. For instance, centrally cleared IRS transactions that are not TOTV may have to be reported by DPEs under FIRDS. This could lead to inconsistencies in how firms interpret the reporting requirements.

AMAFI therefore recommends that ESMA issue clear guidelines to ensure consistent industry practices.

2. Interpretation of 'Centrally Cleared'

The current definition of "centrally cleared" under Article 8(a)(2) presents practical challenges. We would be grateful for ESMA's clarification regarding the criteria for determining whether a product is "centrally cleared", as many trades are accepted for clearing with some delay after execution. Given the regulatory timing constraints applicable to reporting, it is not feasible to wait for final clearing acceptance to determine whether a product qualifies for post-trade transparency or transaction reporting, as the reporting time limits would then be breached. To address this issue, we suggest that a "centrally cleared product" should be understood as a product for which there is an "intention to clear".

3. Alignment on SFT Transactions with Central Banks

Securities Financing Transactions (SFTs) involving central banks present unique challenges. AMAFI recommends that ESMA align its treatment of central bank-facing SFTs with the approach adopted in the UK, which excludes these transactions from both SFTR and MiFIR transaction reporting.

AMAFI proposes that these transactions be entirely excluded from MiFIR transaction for the following reasons: (i) SFTs with ESCBs are already captured under the MMSR for systemic risk reporting, making additional reporting under MiFIR unnecessary and redundant. (ii) SFTs with central banks are not a source of systemic risk, they do not directly participate in price formation, and are not exposed to market abuse, (iii) regulators can directly source data for SFTs with ESCBs from the respective central banks, thereby reducing the reporting burden for market participants and lowering the overall cost of data collection, processing and analysis, (iv) The MiFIR reporting framework is not adapted to SFTs as it was not designed for such transactions.

4. Identification of Systemic Bank CDS Using LEI

AMAFI proposes that the Financial Stability Board (FSB) includes the corresponding LEIs alongside institutional names when publishing its annual list of systemic banks. This would facilitate the processing of information, as current systems rely on LEIs rather than institutional names. Although the ISDA has already provided a list of LEIs for systemic banks, this list has no legal value.

If the proposal for the FSB to include corresponding LEIs alongside institutional names in its annual list of systemic banks is not adopted, AMAFI suggests that, at a minimum, ESMA should adopt the ISDA list, which is widely used by market participants, to ensure consistency in reporting processes.

SECTION 4 – PROPOSED AMENDMENTS TO RTS 22

4.1 AMENDMENTS STEMMING FROM L1 CHANGES OF ARTICLE 26

4.1.1 AMENDMENTS TO ARTICLE 16 OF RTS 22 - MOST RELEVANT MARKET IN TERMS OF LIQUIDITY

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

Shifting the determination of the "Most Relevant Market in Terms of Liquidity" (MRMTL) from liquidity calculations to the date of listing could have significant consequences for regulatory jurisdiction and favour regulated markets and MTFs that list securities first.

The main concern from our perspective is the potential loss of supervisory competence. . If security falls under the supervision of another NCA under the revised framework, the original NCA may lose its ability to effectively monitor and investigate potential market abuse. This could weaken enforcement, particularly when the issuer remains based in the original jurisdiction, resulting in a misalignment between the issuer and regulatory oversight

We have no specific comments on the technical aspects of the MRMTL or RCA rules.

4.1.2 New fields according to the revised Art.26(3) and 26(9)(c),(j)

4.1.2.1 Effective date

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

AMAFI acknowledges ESMA's objective to improve the quality and transparency of transaction reporting by introducing a new field for the "effective date." However, we question the relevance of this field across all asset classes, especially equities, bonds and all cash instruments, particularly given the primary objectives of MiFID II reporting.

Under MiFIR, the core goal of market transparency is best served by using the "trade date" as the key reference point. The trade date marks the moment when the transaction becomes legally binding, and the economic risks and rewards are transferred. This date provides a more accurate reflection of market dynamics and aligns better with the goals of regulators.

In contrast, the settlement date, as proposed in the CP for bonds, is less critical for real-time monitoring because it occurs post-trade and is often managed under separate regulatory frameworks such as CSDR or EMIR. Settlement information is typically captured in post-trade systems, which is outside the scope of real-time MiFID II transaction reporting.

The "effective date" may be relevant for OTC derivatives, where it may differ from the trade date, such as with forward-starting derivatives. However, applying this field across all asset classes would introduce unnecessary complexity without offering tangible benefits for market abuse detection or transparency. For most instruments, particularly equities and bonds, the "trade date" provides all the necessary information for effective market surveillance.

Summary of AMAFI's Position by Asset Class:

- **OTC Derivatives**: The "effective date" is relevant only for OTC derivatives, where it may differ from the trade date, such as in forward-starting derivatives.
- **Equities**: AMAFI does not see the value in including an "effective date" field for equities. The "trade date" already provides sufficient information for market abuse monitoring, and adding the "effective date" would introduce unnecessary complexity without adding value. If this field is retained in the final version of the RTS, it should be left black for equities.
- **Bonds**: AMAFI rejects the inclusion of the "effective date" field for bonds. The "effective date" would typically be the theoretical settlement date, which is redundant as settlement data is already provided in detail by CSDs to regulators via CSDR, though not instruction-by-instruction.

In conclusion, AMAFI believes the "effective date" field should be retained only for OTC derivatives, where it is necessary to reflect the actual commitment date of the transaction. For equities and bonds, the "trade date" is sufficient, and the introduction of the "effective date" would complexify reporting without offering meaningful benefits. We recommend that ESMA consider these points to ensure consistency and clarity in the reporting process.

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

We do not agree that the concept of "effective date" applies to transactions in shares. As mentioned in our response to Q8, for equity transactions, the trade date is generally sufficient for reporting purposes. Using the "intended settlement date" as the "effective date" would introduce unnecessary complexity and confusion and is not relevant for market abuse monitoring. Therefore, we suggest that the effective date field should not be applicable for equity transactions (or other instruments like bonds, except for OTC derivatives where the effective date differs from the trade date).

4.1.2.2 Entity subject to the reporting obligation

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

We agree that the new field is relevant for a specific scenario where a trading venue (TV) is responsible for reporting a transaction via an Approved Reporting Mechanism (ARM) because its member is not a MiFID entity. In such cases, the "Executing firm" would be the non-MiFID firm and the "Submitting firm" would be the ARM. As the TV itself is not currently identified, this new field would help to cover current gap.

For all other cases, where the executing firm is responsible for reporting, there is no need to include this additional field. We suggest the new field be clearly defined to apply *only* to the specific situation mentioned, thus avoiding unnecessary complexity. This would ensure minimal impact on data storage costs for most firms. Additionally, if the field is only relevant for trading venues, we recommend associating it directly with the TV and leaving the field blank for other entities.

4.1.2.3 Transaction Identifiers: TVTIC and new fields for identifying aggregated orders and linking the transactions

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

We generally agree with the assessment that the TVTIC reporting requirement should apply to all types of on-venue executed transactions, e.g. negotiated trades. As outlined in the guidelines, when such trades are brought onto the exchange, they should be reported with the appropriate MIC code and, where applicable, the TVTIC.

For negotiated trades that are executed off-book but still on exchange, it is our understanding that the MIC code of the exchange should be used, and if a TVTIC is provided, it should also be included. This approach corresponds to current practices and is not a significant change for most market participants, as long as the TVTIC is made available on a timely basis and automated fashion.

However, we recognise operational challenges, particularly in ensuring the consistency and reliability of receiving the TVTIC from trading venues, as some venues may not always provide this information.

To address this, we recommend clear rules stipulating that all trading venues must supply the TVTIC for on-venue transactions, ensuring transparency, consistency and simplifying the reporting process.

In conclusion, we support the proposal, but we suggest ESMA makes mandatory a clear standardised framework in the generation and dissemination of the TVTIC code and provide appropriate guidance to investment firms that currently face challenges when reporting that identifier especially with OTF brokers who do not always disseminate the TVTIC in a consistent format and means, thus preventing firms from reporting on a timely manner.

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

AMAFI supports the proposal to make the reporting of TVTICs mandatory when the MIC code is provided. However, it is crucial that trading venues, rather than reporting firms, are directly responsible for transmitting TVTICs. The current practice where TVTICs sometimes have to be re-constructed by firms rather than directly provided by the venues creates significant inefficiencies and inconsistencies: formats and means to provide the TVTIC or sometimes just its build logic are totally up to each venue. Hence, we believe this issue should be addressed before making reporting mandatory.

Before implementing a mandatory reporting requirement, ESMA should ensure that trading venues are obligated to provide TVTICs in a standardised format and through reliable mechanisms that allow entities to report on a timely basis. The current lack of uniformity and the challenges in obtaining TVTICs, particularly from OTFs, must be addressed. While reporting of TVTICs is generally achievable for RM and MTF transactions, the process remains difficult for OTFs, especially for voice or chat-based trades. Inconsistencies to make data available could lead to reporting flaws if the requirement to provide TVTIC in a standardized efficient way is not made mandatory for all venues, including OTFs.

To improve the consistency of reporting, we strongly recommend that ESMA require trading venues, including OTFs, to transmit TVTICs in real-time alongside transactional data, rather than in separate post-trade confirmation documents. This will help ensure more efficient and complete reporting. Additionally, while reporting firms have a role in ensuring the completeness of the transaction reports, it would be beneficial for regulators to supervise trading venues to ensure consistent and timely provision of TVTICs.

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

Please refer to our answer to Q.14

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

AMAFI does not support the proposed approach for generating the non-EEA TVTIC (non-EEA Trading Venue Transaction Identifying Code). Ideally, the responsibility for generating the non-EEA TVTIC should lie with the non-EEA trading venues themselves, as they are the primary entities executing and reporting the transactions. It is not feasible to impose this obligation on firms that trade on these venues, especially given that non-EEA platforms are not subject to MiFID II regulations and, as such, are not required to comply with these requirements

The proposed syntax methodology, which combines existing reported fields like the LEI of the generator, does not adequately address the complexity and variability of non-EEA venues, and it is unlikely to result in consistent or reliable TVTICs. Moreover, requiring EU firms to generate a non-EEA TVTIC creates significant practical challenges, as non-EEA venues may refuse to provide the necessary information or may not have an obligation to do so. We are concerned that such a proposal would ultimately put the burden EU firms with the responsibility of generating TVTICs for transactions conducted on non-EEA venues, further complicating the reporting process.

We believe that, before expanding the scope to non-EEA venues, ESMA should first focus on stabilising and harmonising the existing TVTIC process within the EU. We are not in favor of extending this requirement to non-EEA platforms until the current issues with the TVTIC, which have been ongoing since the introduction of TVTIC in 2018, are fully resolved. Therefore, we urge ESMA to reconsider this approach and to focus on ensuring that trading venues, particularly those within the EU, are fulfilling their obligations before extending additional requirements to non-EEA platforms.

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

AMAFI is strongly opposed to the proposal for a new transaction identification code (TIC) for off-venue transactions. The requirement to create and disseminate a TIC—especially in scenarios involving manual negotiations, voice trades, or chat—introduces substantial operational challenges. The proposal would make firms reliant on counterparties for generating a code that is critical for accurate transaction reporting, which is problematic from both a process and operational perspective. Given the diverse and complex nature of off-venue transactions, we believe this approach is very difficult to implement and could create more risks than benefits.

If ESMA decides to proceed with this proposal, we would recommend a more pragmatic alternative, such as including the LEIs of both the transaction generator and the counterparty. This approach would allow firms to generate the required reports independently, without needing to rely on the counterparty to provide the necessary code. Furthermore, ESMA's proposal for TIC syntax includes the 'TIME' field. Since the time value provided by each party may differ, this could lead to inconsistencies in the TIC code if generated independently by firms. Therefore, we suggest that the time value be specified as hh:mm. However, we remain firmly against the introduction of a TIC field, as we do not believe in its feasibility, and it would add unnecessary complexity without providing significant benefits.

Regarding the possibility to include the UTI in MiFIR reporting:

Our experience with UTI dissemination under EMIR and SFTR highlights the significant challenges involved. The current UTI pairing rate at the industry level under EMIR (live since 2014) is approximately 74%. This rate, even at a level that could be seen as disappointing, is supported by the fact that a large portion of EMIR reporting is delegated, meaning one party reports both sides of a trade, which significantly reduces the risk of mismatched UTIs. However, reporting delegation does not exist in the context of MiFIR transaction reporting, making it likely that the TIC pairing rate would be even lower.

In some cases, UTI changes under EMIR may require MiFIR reporting to integrate some specific EMIR rules for example in scenarios involving allocations, back-reporting. Given that these challenges are likely to arise with the proposed TIC, we strongly urge ESMA to reconsider this proposal.

These complexities highlight the need for a full cost-benefit analysis and scenario evaluation to be conducted by ESMA before making the UTI mandatory for derivatives in MiFIR transaction reporting.

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

Please refer to our answer on Q.15

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

AMAFI understands the proposal to introduce the INTC identifier to capture aggregate orders and generally supports this approach. We consider that using a unique alphanumeric code will help bring clarity and consistency to the process.

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

AMAFI agrees with the general principle that the executing investment firm should be responsible for generating the INTC identifier.

However, the definition of "executing firm" must be clarified. If this refers to the entity listed in field 4 ("Executing entity"), then the proposal is acceptable. If it refers to a broker or another non-declarant firm, operational challenges could arise, particularly if the broker does not generate the INTC identifier. Therefore, we recommend that the responsibility for generating and reporting the INTC identifier explicitly lie with the firm submitting the transaction report, ensuring consistency and clarity.

Additionally, we advise caution regarding any new requirements that could introduce additional time pressures or complexity. As mentioned in paragraph 73, the proposal to define the syntax for the new code aims to combine information such as the executing entity's LEI, trade date, time, and ISIN. However, we are not in favor of including the trade date and time.

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

AMAFI understands ESMA's objective to improve transaction traceability through the introduction of a chain identifier. However, we believe the current proposal is not feasible due to the complexity of order routing processes.

In practice, client orders and market executions rarely follow a straightforward path. For example, an RTO broker often split a client order into several market orders, and the executing broker may aggregate or divide them several times depending on market conditions. As a result, implementing a chain ID and reconciling it with other identifiers, such as the INTC code, becomes very challenging.

Furthermore, requiring executing firms to generate and/or disseminate across firms maintain and store unique chain identifiers for extended periods will impose a significant operational burden, particularly disproportionate for smaller entities.

AMAFI regrets the absence of a cost-benefit analysis for the industry concerning this measure. Will this proposal serve to monitor market abuse or to implement the suggestion of basing transparency and volume cap calculations on data collected through transaction reporting? AMAFI would appreciate it if ESMA could provide evidence or perhaps even conduct a more detailed consultation on how this would work, addressing all relevant scenarios involved.

Additionally, there is a lack of clarity around the implementation of the chain identifier that will inevitably lead to inconsistencies in its application. As seen with the implementation of Errors and Omissions in EMIR Refit, ambiguities and uncertainties, not addressed in advance (such as the methodology of calculation of the Errors and omissions), resulted in divergent interpretations across firms. A similar outcome is likely with Chaine-ID if the methodology and technical details are not sufficiently defined upfront.

We strongly recommend that ESMA reconsider this proposal and, in the future, provide clearer guidance and detailed use cases, ideally during a period with fewer regulatory changes for market participants

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

- **Responsibility of the executing entity**: AMAFI believes that the executing entity is the most appropriate to generate and transmit the TVTIC, as it holds the necessary information for executing orders. However, AMAFI highlights that the feasibility of this requirement, particularly for more complex cases, needs to be thoroughly analysed.
  Moreover, significant challenges arise when counterparties are located outside the European Economic Area (EEA) and are not subject to MiFIR obligations. In these cases, European entities may find themselves having to generate codes for the entire transaction chain, which would result in a disproportionate burden and impact reporting timeliness and accuracy.

- **Proposal to add the MIC to the TVTIC**: AMAFI also draws attention to the ESMA's proposal to add the MIC to the TVTIC. While this measure aims to enhance transaction identification, it could lead to excessive granularity and increased operational obligations without providing any real added value in terms of traceability.
  Indeed, adding the MIC to each individual execution of the same order could unnecessarily multiply identifiers, making the system more complex without improving traceability. AMAFI therefore recommends maintaining the TVTIC as the unique identifier and ensuring its transmission throughout the entire transaction processing chain, without adding the MIC.

- **OTC and Systematic Internalisers (SI)**: Regarding OTC executions, AMAFI believes that the introduction of a new code combining multiple data (such as LEI, ISIN, and timestamp) would be disproportionate, given the marginal share of OTC transactions in the overall volume. A simplified solution, such as using a specific MIC for Systematic Internalisers (SI), would be more appropriate.

- **Impact on RTOs and intermediaries**: The approach proposed by ESMA would lead to additional administrative burdens for RTOs and other intermediaries, particularly concerning the management of split confirmations, which would need to be reported individually. This would increase the operational complexity for market participants. AMAFI recommends considering these impacts when evaluating the proposals and exploring more simplified solutions, particularly regarding the management of transaction codes.

- **A more pragmatic approach:** AMAFI expresses concern over the absence of a cost-benefit analysis in the ESMA consultation, as the proposed requirements are likely to result in significant costs and operational challenges without delivering clear benefits. We recommend a more pragmatic approach, focused on improving and standardising the existing TVTIC system rather than introducing new codes. Specifically, we suggest that trading venues either be required and held responsible for providing TVTIC directly to their members or to publish and centralise the TVTIC standards on an official platform, thereby enhancing transparency and consistency.

4.1.3 Amendments to defining relevant categories of indices according to Art.26(9)(e)

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

AMAFI is broadly supportive of aligning the index categories under MiFIR with the definition in Article 3(3) of the Benchmarks Regulation. However, further clarification is needed to fully assess the potential implications of this approach, particularly regarding its consistency with other standards, such as those set out in the ANA DSB and existing reporting obligations. Inconsistencies in definitions could result in discrepancies in the data reported to regulators, complicating the management of both reports and underlying instruments.

4.1.4 The date by which transactions are to be reported

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

Firstly, there is a discrepancy regarding the application date of the new version of RTS 22. The consultation mentions a 12-month transitional period in paragraph 86: " *[…] The application date should also ensure sufficient time for implementation, which – based on the experience with the launch of other reporting frameworks – should ideally be 12 months from when the technical documentation is available.*" However, the annex of the draft RTS 22 (revised Article 17) specifies an 18-month period following entry into force: " *[…] It shall apply from [PO: Please insert date 18 months after the date of entry into force].*".

Secondly, given their interdependencies, it is essential that the application dates for RTS 22, RTS 23, RTS 1, and RTS 2 are aligned and set to the same date.

AMAFI would appreciate confirmation from ESMA at Level 3 stage regarding the 12 and 18-month timelines. While ESMA appears to consider 12 months sufficient for compliance, AMAFI is concerned that this may not be enough, as the French standard typically allows 18 months.

Additionally, it should be noted that these changes may conflict with other significant projects, such as T+1 and the RIS, and it is expected that T+1 will take priority over reporting requirements.

4.1.5 Amendments to align the reporting requirements with EMIR and SFTR and with international standards

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

AMAFI does not have any fundamental objections to considering international developments or Union-level agreements in the development of the RTS on transaction reporting. However, MiFIR, EMIR and SFTR reporting having distinct objectives/purposes, we stress the importance of ensuring that any revision aimed at harmonising or aligning reporting requirements, whether related to EMIR, SFTR, MiFIR, or other regulations, is done thoughtfully and purposefully, considering the real added value of such adjustments.

We support the alignment of reporting requirements only if it brings clear benefits in terms of transparency and efficiency for transaction reporting. The goal should not just be to harmonise data fields across regulations, but to improve the usefulness and coherence of the information collected, while considering the specific aims of each regulation. Simplifying obligations and eliminating redundancies should remain a priority.

Unfortunately, this does not seem to be the case with the proposals outlined in the current consultation paper. We also note that ESMA has not provided a cost-benefit analysis of these proposals. It is crucial to clarify the rationale behind them to ensure that the costs borne by market participants are well-justified.

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

Overall, the proposed alignment of fields with EMIR/SFTR introduces no substantial changes. However, in line with our arguments on the need for value-added adjustments, harmonisation does not seem appropriate for certain fields.

For example, the "action type" field: the consultation states that "*EMIR and SFTR feature a longer list of allowable values needed for lifecycle reporting, which are however not relevant for MiFIR. Consequently, it is proposed to align only the field name*". Harmonisation is not relevant if the application differs under MiFIR, as the values being reported are not aligned.

Similarly, for the underlying index name field, it is proposed to split it into:

- 48a) Indicator of the underlying index
- 48b) Name of the underlying index

If "the list of allowable values for {INDEX} should be aligned with the updated list of standardised codes in ISO 20022", is there still a real interest in keeping field 48b)? AMAFI believes harmonisation should be focused only where it adds practical value.

4.1.5.2 Alignment of reporting of direction

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

Please refer to our answer on Q.23

4.1.5.3 Alignment of reporting of price

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

We would appreciate further clarification on how price values should be reported for bond transactions. Additionally, for contracts where the price is specified in points, we suggest that ESMA consider using the 'basis points' format in MiFIR transaction reporting, as it would be more suitable for these types of contracts.

For options, we recommend keeping the current approach without adding a dedicated field for premiums.

Regarding the price multiplier and quantity, which are not required in EMIR, we question why they are included in MiFID reporting. Specifically, we suggest removing the price multiplier (at least), and we would like to understand whether this is a one-way process (i.e., can items only be added, not removed?).

4.1.5.4 Alignment of reporting of complex trade component ID

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

AMAFI recognises the practical challenges involved in EMIR reporting, particularly when it comes to breaking down complex trades and linking multiple reports for a single transaction. Decomposing a single complex trade into separate instruments for transaction reporting purposes would add unnecessary complexity. As such, we are concerned about applying this approach to MiFIR reporting and would appreciate further guidance from ESMA on scenarios where decomposing a complex trade solely for reporting may not be feasible.

The idea of including a complex trade component ID would be beneficial only for linking separate transactions executed as part of the same package. However, when trade is executed as a single trade and this is reflected in the confirmation (single UTI), we do not believe it should be required to artificially decompose the trade into several components, which would impact price as well. An example is for equity basis swaps.

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

Please refer to our answer on Q.23

4.2 Other enhancements

4.2.1 Amendment to identify DLT financial instruments.

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

While AMAFI supports the Digital Token Identifier (DTI) in itself and in MiCA (for crypto assets that are not financial instruments) we do not support the inclusion of the DTI in MiFIR transaction reporting alongside the ISIN for DLT financial instruments.

We believe that open-source access to the DTI and the mapping of ISIN to DTI should be required. However, the full name of the instrument is already included as part of the DTI, so there is no need to request the instrument's name, underlier, or other related attributes separately : as a general principle, it should not be required reporting attributes already embedded within a reference data identifier. Requesting these attributes again would lead to unnecessary duplication of data. Similarly, we wonder whether the field 47a " underlying identification code" is required since the underlying ISIN would have been already provided.

DTI does not appear to be relevant for market abuse monitoring, as it does not directly impact pricing or market surveillance.

Additionally, no cost-benefit analysis has been conducted to evaluate the potential implications for market participants, and we strongly believe that such an analysis is essential. Furthermore, the DTI, being a relatively new identifier, could introduce data quality concerns in transaction reporting. Moreover, its integration with OTC derivatives' underlying instruments is unclear, particularly given the ongoing discontinuation of ISINs for uTOTV instruments like equity derivatives, which are typically traded off-venue and do not require ISIN creation.

We also note that this proposal seems to conflict with the EU's broader regulatory simplification objectives and lacks a clear mandate under MiFIR Level 1.

Given these considerations, we kindly urge ESMA to reassess this proposal.

4.2.2 Amendments to clarify Article 4: on transmission of an order

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

AMAFI supports the proposed amendments to Article 4 of RTS 22, which would extend the transmission of order agreements to entities acting on their own account. This change would simplify reporting obligations, particularly for smaller entities, by allowing them to rely on their execution brokers to handle the reporting, provided there is a bilateral agreement in place.

For larger entities, this amendment may not have a significant impact, as they are less likely to use the exemption due to regulatory concerns. However, the proposal could still be beneficial for intra-group execution arrangements, where entities acting on their own account may find the process more streamlined.

AMAFI acknowledges that the application of this exemption depends on a mutual agreement between the executing broker and the entity, ensuring the necessary data is provided for accurate reporting. Thus, AMAFI is in favour of this extension, as it could reduce the reporting burden, particularly for smaller firms.

4.2.3 Amendments to clarify Article 7: details for the decision maker in the case of investment decisions taken by portfolio / fund managers

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

We do not see what amendment is introduced, as the approach described is already established in the transaction reporting guidelines.

As we understand it, the current transaction reporting guidelines (example 69)[1] already require reporting the investment management entity (e.g., asset manager) acting under a discretionary mandate as the buyer/seller, not the client.

If this is simply a clarification, we support including it directly in Article 7 of the RTS to ensure consistency and avoid any misinterpretation.

4.2.4 Amendments in data fields linked to reference data changes according to Art. 27

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

The proposed updates to the 'Instrument Details' section in the Annex to RTS 22 introduce 17 additional subfields across fields 43, 47, 48, 49, and 56. These additions are not addressed in the consultation and require further clarification. The rationale behind these new subfields is unclear. For instance, regarding the MiFID identifier, since the CFI code is already provided, we question the

[1] *"In the absence of transmission under Article 4 of Commission Delegated Regulation (EU) 2017/590, where an investment management entity is acting under a discretionary mandate the Investment Firm receiving the order should report the entity acting under a discretionary mandate as the buyer/seller. This is still the case even where the client of the investment management entity is also a client of the receiving Investment Firm and regardless of whether the investment management entity acting under the discretionary mandate is an Investment Firm or a Firm. "*

necessity of fields 43a, 47b, and 56a. Additionally, the consultation does not explain or raise any questions about these subfields.

Our main concern is that reporting fields 42-56 under RTS 22 would result in redundancy and significantly increase complexity, particularly for OTC derivatives. To address this, we suggest simplifying the reporting process by revising ESMA's proposal concerning fields 41 and 42 to 56.

In our view, the Unique Product Identifier (UPI) already provides sufficient detail for regulators to identify and analyse these products, making fields 42 to 56 and their subfields unnecessary. The UPI, being a globally recognised standard, is an effective tool for identifying OTC derivatives, and we recommend its use to ensure consistency and reduce complexity in reporting.

To streamline the reporting process and align with other regulatory frameworks such as EMIR, which is a key objective of this review, we propose the following approach:

a) Field 41: Instrument Identification Code

- **For instruments with an ISIN**: Report the ISIN for instruments that are admitted to trading, traded on a trading venue, or for those with an ISIN that are traded on organised trading platforms outside the EU. This could also include ISINs (or modified ISINs[2]) for OTC derivatives referred to in Article 8a(2) of Regulation (EU) 600/2014.

- **For OTC derivatives without an ISIN**: Report the UPI for OTC derivatives that have no ISIN and where the underlying is a financial instrument traded on a trading venue.

- **Otherwise**: Leave blank. We foresee that the only cases where field 41 would not be reported with an ISIN or a UPI would involve non-EU ETDs and some structured products. In these cases, fields 42-56 would need to be populated.

b) Fields 42-56

AMAFI suggests modifying as followes the conditions for filling fields 42–56 by expanding the scope to include cases where field 41 is filled with the UPI :

"Fields 42-56 are not applicable where: transactions are executed on a trading venue or a designated Publishing Entity; or field 41 is populated with an ISIN that exists on the reference data list from ESMA; or field 41 is populated with a UPI, with the exception for field 55 which is mandatory when reporting a UPI (or modified ISINs[3]) in field 41".

This approach would eliminate unnecessary duplication and ensure that regulators receive consistent data. Importantly, the UPI offers a broader scope and provides more detailed and accurate product descriptions than the fields listed in RTS 22.

[2] as per the expected European Commission Delegated Act on "OTC derivatives identifier for public transparency purposes" (see latest consultation on https://finance.ec.europa.eu/regulation-and-supervision/consultations-0/targeted-consultation-otc-derivatives-identifier-public-transparency-purposes_en)

[3] as per the expected European Commission Delegated Act on "OTC derivatives identifier for public transparency purposes" (see latest consultation on https://finance.ec.europa.eu/regulation-and-supervision/consultations-0/targeted-consultation-otc-derivatives-identifier-public-transparency-purposes_en)

We believe this approach would significantly simplify the reporting of OTC derivatives while also making better use of the UPI.

We also recommend that ESMA clarify the rationale behind introducing these new subfields, particularly those not described in the consultation, and consider whether they add meaningful value.

4.2.5 New fields to be added in Table 2 Annex I

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

Client categorisation field

AMAFI does not support the inclusion of a new field for categorising clients and especially the inclusion of the field “clients treated as professionals on request” under MiFIR transaction reporting, as proposed in this consultation.

We fail to see the relevance of provinding the categorisation of clients for the purposes of market abuse monitoring. The categorisation of the client (e.g., retail, professional, etc.) does not directly influence the likelihood of market abuse or insider trading, as these actions are not dependent on the client type.

The proposed client categorisation requirement appears disconnected from the overall goal of regulatory reporting and adds unnecessary complexity. This would require significant changes to internal processes and systems without delivering tangible benefits in terms of market surveillance. Given that there is no mandate at Level 1 for such a requirement and no clear cost-benefit analysis, this proposal should be reconsidered.

Validity timestamp field

AMAFI acknowledges ESMA’s intent behind introducing the "validity timestamp" field for sequencing multiple reports within a day. However, the term "validity" remains undefined, creating ambiguity about its purpose. If the goal is to track the sequence of new and cancelled actions, a simple timestamp would suffice. Since "validity" is not used in other reporting contexts, its interpretation could lead to errors. AMAFI urges ESMA to clarify the purpose of this field and its practical use to prevent misinterpretation and ensure accurate reporting. Clear guidance is essential for FMPs to provide thoughtful and meaningful feedback.

As an alternative to requiring the reporting of additional information, if the purpose is as described, AMAFI suggests that ESMA consider providing clearer Level 3 guidance on the rway to report sequencing and time delays without imposing new reporting requirements.

4.2.6 Fields to be amended in Table 2 of Annex I and Annex II

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

While we understand the rationale behind these amendments, we request further clarification on several points, particularly for the net amount field and transmission of order indicator :

- **Field 35 - Net Amount**: We request further clarification regarding what exactly is expected by "net amount," particularly for derivatives. The interpretation may vary across different market participants. In our view, this field is not applicable to derivatives, as there is no cash amount paid at the settlement of a derivative transaction. We suggest limiting the use of this field to equities and debt instruments only, where the concept of net amount is more relevant.

- **Fields 7 and 16 - Buyer and Seller Identification Codes**: We believe that this change aligns with existing practices. The use of the MIC as a buyer or seller identifier when no counterparty or CCP is identified is already common practice. Therefore, we do not see the need for further modification here.

- **Fields 25 - Transmission of order indicator:** AMAFI understands that the proposed amendment to Field 25 – Transmission of order indicator aims to replace the current "true" with two options, requiring more detailed reporting than just setting the field to "true." As for the "false" value, it is now equivalent to "NOAP," which does not seem to represent a significant change. We request confirmation from ESMA at Level 3 regarding the interpretation of these amendments and suggest considering a simplification of the field to improve clarity and consistency in reporting.

- **Field 61 – Reference Prince Waiver Indicator:** AMAFI suggests removing Field 61 – Reference Price Waiver Indicator, as Article 10, which designated the applicable waiver, has been completely removed (page 113 of the CP).

4.2.7 Fields to be removed in Table 2 of Annex I

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

Yes, AMAFI agrees with the removal of the short selling indicator.

4.3 List of exempted transactions (Art. 2(5) of RTS 22)

4.3.1 Disposal of financial instruments in the context of liquidation / bankruptcy / insolvency procedures

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

Yes, AMAFI agrees with the inclusion of transactions related to the disposal or selling of financial instruments ordered by a court procedure or decided by insolvency administrator in the context of a liquidation / bankruptcy / insolvency procedure in the exemption transactions list.

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

AMAFI believes that Article 2(5) should be revised to include all corporate actions, as the current exemption only applies to debt instruments and excludes equities. We consider this an opportunity to address this discrepancy and align the treatment of corporate actions across all asset classes. Expanding the scope of the exemption would simplify reporting requirements and ensure greater consistency in transaction reporting under MiFIR.

4.3.2 Auctions in emission allowances

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

4.3.3 Novations having clearing purpose

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

AMAFI understands ESMA's objective to identify cases where novations may correspond to investment decisions. However, narrowing the exemption solely to transactions with clearing purposes is too restrictive and risks overlooking other scenarios where reporting novations would not be relevant for the investment firm.

For instance, in cases where a novation results in a change of counterparty but the investment firm remains in the transaction, it is not logical for the remaining firm to report the novation. In such cases, the reporting obligation should rest with the new counterparty entering the transaction, and the one leaving the transaction, not the party that remains since there is no actual change in its position.

The proposed approach imposes unnecessary reporting requirements that could complicate processes without yielding meaningful supervisory benefits. AMAFI strongly recommends to focus on the cases that can really be considered as maintaining a broader exemption perimeter that reflects the operational realities of novations and ensures that reporting obligations are appropriately allocated.

4.4 Format for reporting

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

While the use of JSON format may have technical advantages, the proposed change raises significant concerns. For entities reporting directly to regulators, switching to JSON would involve substantial costs and operational challenges, including overhauling systems and adapting workflows. These costs are certain and immediate, whereas the potential benefits of JSON remain speculative and difficult to quantify.

Indirect reporters using ARMs would face lesser impacts, as ARMs generally manage format conversions. However, there may still be secondary costs if ARMs adjust their specifications or pricing models.

We believe that mandating JSON in regulatory texts is not appropriate. Defining, and locking in a format by an RTS creates risks of obsolescence and limits the ability to adapt to future technological advancements. The focus should remain on the content of the message, aligned with international standards such as ISO 20022, rather than on its format.

Additionally, any decision to mandate a format change should be preceded by a thorough cost-benefit analysis, conducted by ESMA, to ensure the proportionality of such a measure, considering the impact on all market participants. We also note that a similar proposal to move to JSON for commodity position reporting was ultimately abandoned, which suggests the need for careful reconsideration in this case as well.

Any format changes should prioritize harmonization across regulatory reporting regimes (e.g., MiFIR, EMIR, SFTR) to reduce duplication of effort and ensure consistent data handling practices. In conclusion, AMAFI strongly recommends maintaining flexibility in reporting formats.

5 USE OF TRANSACTION DATA FOR TRANSPARENCY AND VOLUME CAP CALCULATIONS

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

AMAFI does not agree with the proposed amendments and express concerns regarding the shift of responsibility from APAs to investment firms for the new fields related to transparency calculation. While we understand the objective of enhancing transparency, we believe this approach could significantly increase the reporting burden for investment firms and introduce unnecessary complexity to the reporting framework..

Moreover, the reliance on declarative data provided by investment firms for supervisory purposes raises critical issues. Such data may lack accuracy or consistency, creating potential risks to the quality and reliability of the calculations. This seems counterproductive, as it could undermine the very objective of fostering transparency in financial markets. Supervisory efforts would be better supported by data that is inherently more robust and subject to fewer risks of misreporting.

We strongly recommend that ESMA carefully assess the implications of this proposal for market participants, including the operational costs associated with changes to reporting systems, data quality assurance, and compliance. Alternatives that avoid imposing additional obligations on investment firms while ensuring the reliability of transparency calculations should be thoroughly considered.