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Additional Information

Level 1 Regulation

European Market Infrastructure Regulation (EMIR) Regulation (EU) No 648/2012- MDP

Topic

* EMIR Reporting

Subject Matter

Subsidiaries

Question

Table 102 of the Guidelines specifies that GLEIF database should be used to determine the access rights of the relevant members of the ESCB, including the ECB in carrying out its tasks within a single supervisory mechanism, when applying the filtering for the fields 2.144 'Reference entity', 1.4 'Counterparty 1 (Reporting counterparty)', 1.9 'Counterparty 2', 1.15 'Broker ID' and 1.16 'Clearing member'. Should the authorities in question have also access

to the derivatives involving subsidiaries of the relevant entities and, if so, how the access rights should be determined?

ESMA Responses

26-01-2024

Original language

Yes, the members of ESCB, as well as any other authority covered under Article 2(11) and 2(13) of RTS 151/2013, should have access to transaction data on derivatives in which the subsidiaries of the entities falling under their supervision are involved. To determine whether an entity is a subsidiary of a supervised entity, the trade repositories should use the relationship data (so called Level 2 data) in GLEIF database.