



COMMISSION DELEGATED REGULATION (EU) No 151/2013
of 19 December 2012

supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories, with regard to regulatory technical standards specifying the data to be published and made available by trade repositories and operational standards for aggregating, comparing and accessing the data

(Text with EEA relevance)

Article 1

Publication of aggregate data

1. Trade repositories shall publish data provided for in Article 81(1) of Regulation (EU) No 648/2012, including at least:

(a) a breakdown of the aggregate open positions per derivative class as follows:

- (i) commodities;
- (ii) credit;
- (iii) foreign exchange;
- (iv) equity;
- (v) interest rate;
- (vi) other;

(b) a breakdown of aggregate transaction volumes per derivative class as follows:

- (i) commodities;
- (ii) credit;
- (iii) foreign exchange;
- (iv) equity;
- (v) interest rate;
- (vi) other;

(c) a breakdown of aggregate values per derivative class, as follows:

- (i) commodities;
- (ii) credit;
- (iii) foreign exchange;
- (iv) equity;
- (v) interest rate;
- (vi) other.

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2. The data shall be published on a website or an online portal which is easily accessible by the public and updated at least weekly.

*Article 2***Data access by relevant authorities**

1. A trade repository shall provide access to all transaction data to the European Securities and Markets Authority (ESMA) for the purpose of fulfilling its supervisory competences.

2. ESMA shall enact internal procedures in order to ensure the appropriate staff access and any relevant limitations of access as regards non-supervisory activities under ESMA's mandate.

3. A trade repository shall provide the Authority for the Cooperation of Energy Regulators (ACER) with access to all transaction data regarding derivatives where the underlying is energy or emission allowances.

4. A trade repository shall provide a competent authority supervising a CCP and the relevant member of the European System of Central Banks (ESCB) overseeing the CCP, where applicable, with access to all the transaction data cleared or reported by the CCP.

5. A trade repository shall provide a competent authority supervising the venues of execution of the reported contracts with access to all the transaction data on contracts executed on those venues.

6. A trade repository shall provide a supervisory authority appointed under Article 4 of Directive 2004/25/EC with access to all the transaction data on derivatives where the underlying is a security issued by a company which meets one of the following conditions:

- (a) it is admitted to trading on a regulated market within their jurisdiction;
- (b) it has its registered office or, where it has no registered office, its head office, in their jurisdiction;
- (c) it is an offeror for the entities provided for in points (a) or (b) and the consideration it offers includes securities.

7. The data to be provided in accordance with paragraph 6 shall include information on:

- (a) the underlying securities;
- (b) the derivative class;
- (c) the sign of the position;
- (d) the number of reference securities;
- (e) the counterparties to the derivative.

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8. A trade repository shall provide the relevant Union securities and markets authorities referred to in Article 81(3)(h) of Regulation (EU) No 648/2012 with access to all transaction data on markets, participants, contracts and underlyings that fall within the scope of that authority according to its respective supervisory responsibilities and mandates.

9. A trade repository shall provide the European Systemic Risk Board, ESMA and the relevant members of the ESCB with transaction level data:

- (a) for all counterparties within their respective jurisdictions;
- (b) for derivatives contracts where the reference entity of the derivative contract is located within their respective jurisdiction or where the reference obligation is sovereign debt of the respective jurisdiction.

10. A trade repository shall provide a relevant ESCB member with access to position data for derivatives contracts in the currency issued by that member.

11. A trade repository shall provide, for the prudential supervision of counterparties subject to the reporting obligation, the relevant entities listed in Article 81(3) of Regulation (EU) No 648/2012 with access to all transaction data of such counterparties.

*Article 3***Third country authorities**

1. In relation to a relevant authority of a third country that has entered into an international agreement with the Union as referred to in Article 75 of Regulation (EU) No 648/2012, a trade repository shall provide access to the data, taking account of the third country authority's mandate and responsibilities and in line with the provisions of the relevant international agreement.

2. In relation to a relevant authority of a third country that has entered into a cooperation arrangement with ESMA as referred to in Article 76 of Regulation (EU) No 648/2012, a trade repository shall provide access to the data, taking account of the third country authority's mandate and responsibilities and in line with the provisions of the relevant cooperation arrangement.

*Article 4***Operational standards for aggregation and comparison of data****▼M1**

1. A trade repository shall provide the entities listed in Article 81(3) of Regulation (EU) No 648/2012 with direct and immediate access, including where delegation under Article 28 of Regulation (EU) No 1095/2010 exists, to details of derivatives contracts in accordance with Articles 2 and 3 of this Regulation.

▼ M1

For the purposes of the first subparagraph, a trade repository shall use an XML format and a template developed in accordance with ISO 20022 methodology. A trade repository may in addition, after agreement with the entity concerned, provide access to details of derivatives contracts in another mutually agreed format.

▼ B*Article 5***Operational standards for access to data**

1. A trade repository shall record information regarding the access to data given to the entities listed in Article 81(3) of Regulation (EU) No 648/2012.

2. The information referred to in paragraph 1 shall include:

- (a) the scope of data accessed;
- (b) a reference to the legal provisions granting access to such data under Regulation (EU) No 648/2012 and this Regulation.

▼ M1

3. A trade repository shall establish and maintain the necessary technical arrangements to enable the entities listed in Article 81(3) of Regulation (EU) No 648/2012 to connect using a secure machine-to-machine interface in order to submit data requests and to receive data.

For the purposes of the first subparagraph, a trade repository shall use the SSH File Transfer Protocol. The trade repository shall use standardised XML messages developed in accordance with the ISO 20022 methodology to communicate through that interface. A trade repository may in addition, after agreement with the entity concerned, set up a connection using another mutually agreed protocol.

4. In accordance with Articles 2 and 3 of this Regulation, a trade repository shall provide the entities listed in Article 81(3) of Regulation (EU) No 648/2012 with access to the following information:

- (a) all reports on derivatives contracts;
- (b) the latest trade states of derivatives contracts that have not matured or which have not been the subject of a report with Action type 'E', 'C', 'P' or 'Z' as referred to in field 93 in Table 2 of the Annex to Commission Implementing Regulation (EU) No 1247/2012 ⁽¹⁾.

⁽¹⁾ Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 20) as amended by Implementing Regulation (EU) 2017/105 (OJ L 17, 21.1.2017, p. 17).

▼ M1

5. A trade repository shall establish and maintain the necessary technical arrangements to enable the entities listed in Article 81(3) of Regulation (EU) No 648/2012 to establish predefined periodic requests to access details of derivatives contracts, as determined in paragraph 4, necessary for those entities to fulfil their responsibilities and mandates.

6. Upon request, a trade repository shall provide the entities listed in Article 81(3) of Regulation (EU) No 648/2012 with access to details of derivatives contracts according to any combination of the following fields as referred to in the Annex to Implementing Regulation (EU) No 1247/2012:

- (a) reporting timestamp;
- (b) reporting Counterparty ID;
- (c) ID of the other Counterparty;
- (d) corporate sector of the reporting counterparty;
- (e) nature of the reporting counterparty;
- (f) broker ID;
- (g) report submitting entity ID;
- (h) beneficiary ID;
- (i) asset class;
- (j) product classification;
- (k) product identification;
- (l) underlying identification;
- (m) venue of execution;
- (n) execution timestamp;
- (o) maturity date;
- (p) termination date;
- (q) CCP; and
- (r) action type.

7. A trade repository shall establish and maintain the technical capability to provide direct and immediate access to details of derivatives contracts necessary for the entities listed in Article 81(3) of Regulation (EU) No 648/2012 to fulfil their mandates and responsibilities. That access shall be provided as follows:

- (a) where an entity listed in Article 81(3) of Regulation (EU) No 648/2012 requests access to details of outstanding derivatives contracts or of derivatives contracts which have either matured or for which reports with action types 'E', 'C', 'Z' or 'P' as referred to in field 93 in Table 2 of the Annex to Implementing Regulation (EU) No 1247/2012 were made not more than one year before the date on which the request was submitted, a trade repository shall fulfil that request no later than 12:00 Universal Coordinated Time on the first calendar day following the day on which the request to access is submitted.

▼ M1

- (b) where an entity listed in Article 81(3) of Regulation (EU) No 648/2012 requests access to details of derivatives contracts which have either matured or for which reports with action types ‘E’, ‘C’, ‘Z’ or ‘P’ as referred to in field 93 in Table 2 of the Annex to Implementing Regulation (EU) No 1247/2012 were made more than one year before the date on which the request was submitted, a trade repository shall fulfil that request no later than three working days after the request to access is submitted.
- (c) where a request to access data by an entity listed in Article 81(3) of Regulation (EU) No 648/2012 relates to derivative contracts falling under both points (a) and (b), the trade repository shall provide details of those derivatives contracts no later than three working days after that request to access is submitted.

8. A trade repository shall confirm receipt and verify the correctness and completeness of any request to access data submitted by the entities listed in Article 81(3) of Regulation (EU) No 648/2012. It shall notify those entities of the result of that verification no later than sixty minutes after the submission of the request.

9. A trade repository shall use electronic signature and data encryption protocols to ensure the confidentiality, integrity, and protection of the data made available to the entities listed in Article 81(3) of Regulation (EU) No 648/2012.

▼ B*Article 6***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.