

Reply form: MiFIR Review

Technical Standards related to Consolidated Tape Providers and DRSPs, and assessment criteria for the CTP selection procedure

Responding to this paper

ESMA invites comments on all matters in the Consultation Paper and in particular on the specific questions in this reply form. Comments are most helpful if they:

- respond to the question stated;
- indicate the specific question to which the comment relates;
- contain a clear rationale; and
- describe any alternatives ESMA should consider.

ESMA will consider all comments received by **28 August 2024**.

Instructions

In order to facilitate analysis of responses to the Consultation Paper, respondents are requested to follow the below steps when preparing and submitting their response:

- Insert your responses to the questions in the Consultation Paper in this reply form.
- Please do not remove tags of the type <ESMA_QUESTION_CP2_1>. Your response to each question has to be framed by the two tags corresponding to the question.
- If you do not wish to respond to a given question, please do not delete it but simply leave the text “TYPE YOUR TEXT HERE” between the tags.
- When you have drafted your responses, save the reply form according to the following convention: ESMA_CP2_nameofrespondent.

For example, for a respondent named ABCD, the reply form would be saved with the following name: ESMA_CP2_ABCD.

- Upload the Word reply form containing your responses to ESMA’s website (**pdf documents will not be considered except for annexes**). All contributions should be submitted online at www.esma.europa.eu under the heading ‘Your input - Consultations’.

Publication of responses

All contributions received will be published following the close of the consultation, unless you request otherwise. Please clearly and prominently indicate in your submission any part you do not wish to be publicly disclosed. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure. 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 not to disclose the response 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 heading '[Data protection](#)'.

1. General information about respondent

Name of the company / organisation	European Venues and Intermediaries Association
Activity	Regulated markets/Exchanges/Trading Systems
Are you representing an association?	<input checked="" type="checkbox"/>
Country/Region	Europe

2. Questions

Section 3 – RTS on input and output data of CTPs:

Q1: Do you agree with grounding the assessment framework of the quality of transmission protocols on the identified categories of technical criteria?

<ESMA_QUESTION_CP2_1>

Yes, we agree.

We note that the table presented for '*categories defining quality of transmission protocols*' could be more formally structured as the categories should apply to different layers. Performance and Compatibility can be a factor of all three of application, presentation and session layers, Security relates to presentation and session layers, and Reliability relates to the session layer. This would facilitate industry to select and adopt solutions that are most suitable for the different requirements of latency, throughput, and contributor base for each of equities pre-trade, equities post-trade and non-equities post-trade,

For example:

- i. Equities pre-trade data: very high throughput requirement, low latency, relatively small number of contributors, heavy usage of low latency binary protocols, extensive footprint of existing data aggregation solutions.
- ii. Equities post-trade data: reasonably high throughput requirement, relatively small number of contributors, a mixture of low latency binary protocols (trading venues often combine this with their pre-trade feeds) and FIX , extensive footprint of existing data aggregation solutions.
- iii. Non-equities post-trade data: relatively low throughput requirement, relatively large number of contributors, limited data aggregation footprint.

The MiFIR text is not specific as to whether it is referring just to the application layer, the presentation layer, or a combination of these with or without the session layer. The OSI Model (ISO/IEC 7498) is a reference model on which there are three layers:

- i. the 'application' layer (Layer 7, containing the business content),
- ii. the 'presentation' layer (Layer 6, describing how the business content is represented on the wire, otherwise known as 'encoding')
- iii. the 'session' layer (Layer 5, describing aspects such as authentication, message recoverability and similar).

ISO 20022 sits at the OSI application layer and, at the time of writing, two encodings (XML and ASN.1) and no defined session layer. The FIX suite of standards similarly splits into the FIX Protocol (application layer), various encodings (including FIX's own ISO 3531-1 FIX TagValue encoding, Simple Binary Encoding and FIXML, but can equally be used with other encodings such as ASN.1, JSON, and Google Protocol Buffers) and various session layers (including ISO 33531-2 FIX Session Layer, FIX Performance Session Layer).

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<ESMA_QUESTION_CP2_1>

Q2: Do you believe that additional categories of technical criteria should be considered for the definition of minimum requirements of the quality of transmission protocols?

<ESMA_QUESTION_CP2_2>

The additional category not listed would concern outages and recovery, and the failover protocols and redundancy to mitigate and resolve any such situations. These should be designed to address failures at either the submitters or the CTP. For example, where the submitting entity may need to store data it cannot send to the CTP, or where the CTP may not be able to check data issues with the submitting entity.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_2>

Q3: Do you agree with the proposal of introducing a single set of requirements across the three asset classes (equity, bonds, derivatives), or do you believe that different requirements should be tailored for each asset class?

<ESMA_QUESTION_CP2_3>

No, we disagree because the latency and bandwidth requirements for equities are so very different than for bonds and derivatives. To make these the same would be to add vast and unnecessary

costs to the much broader segments for no reason. Therefore, the requirements should be different with respect to performance; but for reliability, security, compatibility, these should be the same for all asset classes.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_3>

Q4: Do you consider that the proposed minimum requirements for the technical criteria related to performance are technically feasible, coherent with the objective of high-quality data transmission to the CTP and in line with international standards? Please elaborate your response.

<ESMA_QUESTION_CP2_4>

The proposed minimum requirements appear predicated entirely on cash equities; therefore, they are unfeasible and incoherent for the diverse and open-access markets of bonds and derivatives where transactions are more complex, much slower, and generally above LIS meaning that deferrals are the norm.

In these market structures precedence should be given-over as to whether the CTP is expected to re-sequence data (e.g., change the message publication order based on the timestamp of execution, not of message receipt or even message publication by the venue/APA). This would require the introduction of both small and longer delays to allow the CTP to gather messages in a small rolling time window and, flag and re-sequence them prior to publication.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_4>

Q5: Do you consider that the proposed minimum requirements for the technical criteria related to reliability are technically feasible, coherent with the objective of high-quality data transmission to the CTP and in line with international standards? Please elaborate your response.

<ESMA_QUESTION_CP2_5>

Yes, we agree that the technical criteria related to reliability are appropriate and technically feasible.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_5>

Q6: Do you consider that the proposed minimum requirements for the technical criteria related to security are technically feasible, coherent with the objective of high-quality data transmission to the CTP, and in line with international standards and other EU regulatory frameworks on information security (e.g. DORA)? Please elaborate your response.

<ESMA_QUESTION_CP2_6>

Yes, we agree that the technical criteria related to security are appropriate and technically feasible since they are currently commonplace.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_6>

Q7: Do you consider that the proposed minimum requirements for the technical criteria related to compatibility are technically feasible, coherent with the objective of high-quality data transmission to the CTP and in line with international standards? Please elaborate your response.

<ESMA_QUESTION_CP2_7>

Yes, we agree that the technical criteria related to compatibility are appropriate, timely and technically feasible. To elaborate on the meanings of these terms:

- i. *'Open Solution;'* means the protocols must be available under indefinite, irrevocable licenses that permit their usage for the purposes required under this regulation.
- ii. *'Interoperability;'* means that the protocols must not be tied to any specific infrastructure provider or type of infrastructure, i.e., must be fully platform-independent.'

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_7>

Q8: Do you agree with the proposed definition of “transmission of data as close to real time as technically possible”? If not, please explain.

<ESMA_QUESTION_CP2_8>

No, we disagree with the timeframes set out for 100ms publication by trading venues.

For all transactions not made on a CLOB, especially for bond and derivatives markets where transactions may take minutes, hours, or days to arrange, and where they are generally subject to deferrals, the concept of “*as close to real time as technically possible*” should be replaced by “*as soon as possible*,” in order to prevent trade execution being delayed in order to comply with the CTP requirements.

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<ESMA_QUESTION_CP2_8>

Q9: Should ESMA consider specific rules for real-time transmission of transactions subject to deferred publication?

<ESMA_QUESTION_CP2_9>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_9>

Q10: Do you agree with the baseline proposal of adopting JSON as standards and format of data to be transmitted to the CTPs, or do you prefer alternative proposals? Please justify your answer and, if needed, provide additional advantages and disadvantages related to each proposal.

<ESMA_QUESTION_CP2_10>

No, we do not believe JSON is any more suitable for CTP data requirements than the Single Binary Encoding formats, such as FAST and SBE which support XML and FIX protocols. Moreover, industry has generally adopted XML and FIX protocols, whereas it has not adopted JSON.

We refer to our answer to question 1 which asks that industry set its standards in this matter and debates whether the question posed refers to the application or presentation components of messaging protocols.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_10>

Q11: Do you believe that the proposed standards and formats (baseline and any alternatives) are coherent with other CTP requirements (transmission protocols, real-time transmission and presentation of output data)? Please justify your answer.

<ESMA_QUESTION_CP2_11>

No. It follows from prior answers that the proposed standards and formats are predicated on a few equity exchanges and either unsuitable or overly burdensome for non-equities market structures.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_11>

Q12: Do you find more suitable to prescribe one single format across the 3 CTPs (equity, derivatives, bonds) or to prescribe distinct formats according for different asset classes?

<ESMA_QUESTION_CP2_12>

We would advocate for distinct formats according for different asset classes because they have different market structures and speeds.

We note that it may be that case that the same application layer standards could apply across each of the asset classes for post-trade data, but the term “format” is insufficiently defined to express whether pre- and post-trade requirements are homogenised and whether the application layer or the presentation layer are integral.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_12>

Q13: Do you support the proposals on core and regulatory data? In particular, are there other relevant fields to be added to the regulatory data? Furthermore, would you propose the inclusion of supplementary fields for input core market data beyond those intended for dissemination by the CTP?

<ESMA_QUESTION_CP2_13>

Yes, we generally agree with the proposals on core and regulatory data.

Regarding #2 “*the type of trading system*,” we note that most MTFs and OTFs collate a variety of trading protocols under the same segment-MIC. Therefore, this field should simply be replaced by the segment-MIC itself as the typology data is not captured and it may be that HYBR or OTHR becomes the default.

Regarding “*Transaction Identification Code*” – we would like to suggest that UTI is used instead of the TVTIC in order to harmonise into evolving global standards.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_13>

Q14: Do you support the proposal of machine-readable and human-readable formats outlined in this section?

<ESMA_QUESTION_CP2_14>

Yes, we agree with the principle that both machine-readable and human-readable formats are the objective. Therefore, the proposals for CSV for easily accessible data and for a GUI for human-readable data are sensible.

We support the use of CSV as a format and suggest that the “flags” field uses an alternative delimiter such as space or semicolon.

We note that JSON is unsuitable for machine-readable data when compared to the performance of SBE as the presentation format.

TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_14>

Q15: Do you agree with the proposal of data quality measures and enforcement standards for input data?

<ESMA_QUESTION_CP2_15>

We agree with the itemisation of the proposals for data quality measures set out and the cooperation measures listed.

Regarding paragraph 97 *Enforcement Standards*, we are unclear whether the proposals seek to empower the CTP to sanction and to fine data contributors, or whether such powers should remain with NCAs. Clearly, we would consider it to be a problematic situation were the CTPs to hold any such powers themselves given their monopoly and commercial disposition.

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<ESMA_QUESTION_CP2_15>

Q16: Do you agree with the proposal of data quality measures for output data?

<ESMA_QUESTION_CP2_16>

Yes, we think these are sensible proposals.

TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_16>

Section 4 – RTS on the revenue distribution scheme of CTPs:

Q17: On the basis of the issue presented in the above paragraph, what do you think is the right approach to identify a trading venue and group? How could a trading venue and a group be identified? How should the links with investment firms be determined?

<ESMA_QUESTION_CP2_17>

We consider that the Segment-MIC is the right approach to identify a trading venue. Any further consolidation of activities into MIC or the IF Operator is easily attainable from the Segment.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_17>

Q18: Do you agree with the above assessment? If not, please explain.

<ESMA_QUESTION_CP2_18>

Yes, we broadly agree with the assessment.

Clearly the context of the assessment in Table 4: “Availability of the information to the CTP” concerns cash equities only, and therefore the Table title and its application should be clarified accordingly.

For the CTP know if a data contributor has “*young instruments*,” in theory this should be codifiable via the FIRDS data set where all such instruments have the same age criteria; but if the criteria is to vary between instruments and/or across trading venues then a flag would be required via RTS 23.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_18>

Q19: For the identification of the venue of first admission to trading, do you prefer option (A) use of FIRDS, option (B) the CTP collects the relevant information itself? Please explain and provide any alternative option you consider more appropriate.

<ESMA_QUESTION_CP2_19>

For the CTP know the venue of the first admission to trading of an equity stock, or indeed any other instrument, in theory this should be identifiable and codifiable via the FIRDS data set.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_19>

Q20: Do you agree that a flag indicating that the transaction was subject to an LIS waiver should be information to be sent to (but not published by) the CTP? If not, please explain.

<ESMA_QUESTION_CP2_20>

Yes, we broadly agree for RTS1 instruments, as ESMA is solely preparing these RTS in respect of the CTP scope for shares and ETFs.

Moreover, since LIS metrics and the instrument details are known for post-trade, this pre-trade should also be identifiable and codifiable via the FIRDs data set by way of RTS23 amendments ongoing and the flag therefore unnecessary.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_20>

Q21: Could the determination of the pre-trade volume be done differently by the CTP (e.g. proxy this volume with the pre-trade data received) but at the same time sufficiently accurately? If yes, please explain.

<ESMA_QUESTION_CP2_21>

Since this would not be relevant for trading venues not offering a CLOB pre-trade transparency under revised RTS2, it would be specific to cash equities and as such we consider that the development of a proxy volume from the pre-trade data received would be the most proportional outcome.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_21>

Q22: Do you agree that the methodology to distribute the revenues should require the conversion of the values into percentages? If not, please explain.

<ESMA_QUESTION_CP2_22>

Yes, we would broadly agree, at least in the initial iteration of the RTS with some scope for later review.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_22>

Q23: Do you agree with the transactions to include and exclude for the determination of the volume for criteria #1 and #2? If not, please explain.

<ESMA_QUESTION_CP2_23>

Yes, we would broadly agree with the proposals in Table 5.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_23>

Q24: What would be your view on the frequency of redistribution? Which issues do you foresee in the redistribution process? How could those issues be solved? Please explain.

<ESMA_QUESTION_CP2_24>

We would concur that revenue distribution on an annual basis, indeed anything more frequent would likely be intrusive. Indeed, this could be based on estimated eligibility with a periodic balance adjustment.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_24>

Q25: Do you agree with the proposed timeline for the update of the list of data contributors and the identified issues? How could the issues be solved? Please explain.

<ESMA_QUESTION_CP2_25>

Yes, we would broadly agree with the proposals in Table 6.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_25>

Q26: What would be your view on the issues for the first year of operations of the CTP? How could those issues be solved? Please explain.

<ESMA_QUESTION_CP2_26>

In order to keep the process as straightforward as possible, the transitional provisions for year one could be such that all finalised data is consolidated and acted upon for that period until the end of year two. This would minimise that amount of assumptions, revisions, and balancing payments.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_26>

Q27: Do you agree with ESMA preferred proposal to set the weights of the revenue redistribution scheme to 4.5, 4.0 and 1.5 for the small trading venue criterion, the young instruments criterion and the transparent instruments criterion, respectively? If not, please explain.

<ESMA_QUESTION_CP2_27>

Yes, we broadly agree. Bearing in mind the need for proportionality and simplicity, added to the provisions for periodic review, ESMA's proposal is to set the weights to 4.5, 4.0 and 1.5 for the respective criteria seem appropriate or indeed at the more bespoke end of the possibilities.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_27>

Q28: Would you consider appropriate that the weight (percentages) sum to 10 (100%)? If not, please explain and provide your alternative proposal for the weights (percentages).

<ESMA_QUESTION_CP2_28>

Yes, we broadly agree.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_28>

Q29: Do you agree with the proposed (i) frequency of the determination of the weights (ii) timing of determination of the weights (iii) timing of application of the weights? If not, please explain.

<ESMA_QUESTION_CP2_29>

Yes, we broadly agree with the proposed approach to weightings; especially considering the need for proportionality and simplicity, added to the provisions for periodic review.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_29>

Q30: Do you agree with the proposed text? Have you identified any missing points or issues?

<ESMA_QUESTION_CP2_30>

Yes, we broadly agree with the proposed draft RTS text and tables, although of course we consider that the approach should be extended across all the instruments that CTPs are due to publish rather than solely shares and ETFs.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_30>

Q31: Do you agree with ESMA's proposal on the criteria for a potential suspension of re-distribution in case of serious and repeated breach by the CTP? If not, which alternative or/and additional criteria would you consider relevant?

<ESMA_QUESTION_CP2_31>

Whilst we broadly agree with the scope and the qualitative criteria across each #1 Timeliness & #2 Quality, format, and substance of data; the quantitative application of metrics for breach cannot be assessed or known at this point, especially for a new set of data supply provisions such as this.

Rather, we would suggest that a two-year data collection and assessment is provided as a transitory period under the qualitative headings to prevent potential breaches becoming sanctions or temporary suspensions until the provisional period is closed.

This would provide a quantitative basis for the thresholds for breaches and their frequencies. It would also enable a better view towards common outsourcing failures given the contemporaneous implementation of DORA, which may be the underlying third-party cause of breaches.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_31>

Q32: Do you agree with ESMA's proposal on the procedure for the suspension and the resumption of redistribution? If not, which alternative approach would you consider suitable?

<ESMA_QUESTION_CP2_32>

Whilst we broadly agree with the proposal on the procedure for the suspension and the resumption of redistribution, likely this requires a substantial transitional period to assess the quantitative thresholds and triggers as per question 31 above.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_32>

Q33: Do you agree with ESMA’s proposal on the timing of the procedure for the suspension and the resumption of redistribution? If not, which alternative approach would you consider suitable?

<ESMA_QUESTION_CP2_33>

Whilst we broadly agree with the proposal on the procedure for the suspension and the resumption of redistribution, likely this requires a substantial transitional period to assess the quantitative thresholds and triggers as per question 31 above.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_33>

Q34: Do you agree with ESMA’s proposal regarding a one-week timeframe for data contributors to furnish evidence of non-breaches? If you disagree, could you suggest an alternative approach that you find appropriate?

<ESMA_QUESTION_CP2_34>

Whilst we broadly agree with the proposal on the procedure for the suspension and the resumption of redistribution, likely this requires a substantial transitional period to assess the quantitative thresholds and triggers as per question 31 above.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_34>

Q35: Do you agree with ESMA’s expectation on the notification to be made by the CTP to the competent authority of the data contributor once a suspension has been triggered?

<ESMA_QUESTION_CP2_35>

Yes, we agree that it is not needed to specify this in the draft RTS.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_35>

Q36: Do you agree with ESMA’s proposal on the approach to the retained revenue? In your view, which rate should apply to compound the interest on retained revenue?

<ESMA_QUESTION_CP2_36>

Yes, we agree that the proposals the approach to the retained revenue and its compounding are sensible and feasible, although the approach to currencies other than the EURO may need to be outlined.

TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_36>

Section 5 – RTS on the synchronisation of business clocks

Q37: Do you agree with the proposed approach on synchronisation to reference time? If not, please explain.

<ESMA_QUESTION_CP2_37>

Yes, we agree that the proposed approach to consolidate with RTS 25 as currently drafted for trading venue operators is correct.

TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_37>

Q38: Do you support a timestamp granularity of 0.1 microseconds for operators of trading venues whose gateway-to-gateway latency is smaller than 1 millisecond? If not, please explain. Would you argue for an even smaller granularity? If yes, please explain.

<ESMA_QUESTION_CP2_38>

We would propose that ESMA clarify that the timestamp granularity of 0.1 microseconds for operators of trading venues applies only to cash equities and to ETFs, but would be inappropriate for non-equities.

TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_38>

Q39: Do you support the proposed approach on the level of accuracy for trading venue members, participants or users? If not, please explain.

<ESMA_QUESTION_CP2_39>

Yes, we would agree with ESMA's conclusions on the interplay with DLT MTFs and the scope of access to HFT techniques.

TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_39>

Q40: Do you agree with the proposed approach on traceability to UTC? If not, please explain.

<ESMA_QUESTION_CP2_40>

Yes, we agree with the ESMA approach.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_40>

Q41: Do you agree with the proposed accuracy levels for APAs, SIs, DPEs and CTPs? If not, please explain.

<ESMA_QUESTION_CP2_41>

No comment as not applicable to trading venues.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_41>

Q42: Do you think that more stringent requirements should be set for SIs compared to DPEs considering they have pre-trade transparency obligations? If not, please explain.

<ESMA_QUESTION_CP2_42>

No comment as not applicable to trading venues.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_42>

Section 6 – RTS/ITS on the authorisation and organisational requirements for DRSPs

Q43: Do you agree with the approach proposed by ESMA?

<ESMA_QUESTION_CP2_43>

No comment as not applicable to trading venues.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_43>

Q44: Do you agree to include new authorisation provisions on ownership structure and internal controls for APAs and ARMs?

<ESMA_QUESTION_CP2_44>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_44>

Q45: Do you have any further comments or suggestions on the draft RTS? Please elaborate your answer.

<ESMA_QUESTION_CP2_45>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_45>

Q46: Do you agree with the approach proposed by ESMA?

<ESMA_QUESTION_CP2_46>
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<ESMA_QUESTION_CP2_46>

Q47: Do you foresee specific conflicts of interests that may arise between (i) CTP and data contributors and (ii) CTP and clients and users?

<ESMA_QUESTION_CP2_47>
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<ESMA_QUESTION_CP2_47>

Q48: What other elements, if any, should be included in the RTS on authorisation of CTPs?

<ESMA_QUESTION_CP2_48>
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<ESMA_QUESTION_CP2_48>

Q49: What other elements, if any, should be included in the RTS on authorisation of CTPs?

<ESMA_QUESTION_CP2_49>
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<ESMA_QUESTION_CP2_49>

Section 7 – Criteria to assess CTP applicants

Q50: How would you define retail investors, academics and civil society organisations for the purpose of the CTP?

<ESMA_QUESTION_CP2_50>

No comment as not applicable to trading venues.

TYPE YOUR TEXT HERE

<ESMA_QUESTION_CP2_50>

Q51: What are in your view the most important elements that should be taken into account when defining the governance structure of the CTP?

<ESMA_QUESTION_CP2_51>

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<ESMA_QUESTION_CP2_51>

Q52: Should the CTP include representation of other stakeholders within their governance structure?

<ESMA_QUESTION_CP2_52>

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<ESMA_QUESTION_CP2_52>

Q53: Do you agree with the proposed approach on the assessment of necessity of joint application?

<ESMA_QUESTION_CP2_53>

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<ESMA_QUESTION_CP2_53>

Q54: Which minimum requirements on identifying and addressing potential conflicts of interest would you consider relevant?

<ESMA_QUESTION_CP2_54>

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<ESMA_QUESTION_CP2_54>

Q55: To score the applicants on their development expenditure and operating costs, ESMA intends to look at the costs the applicant will need to cover on an annual basis. Do you agree with this approach? If not, which alternative approach would you deem more appropriate?

<ESMA_QUESTION_CP2_55>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_55>

Q56: The simplicity of the fee structure and licensing models can be scored by taking into account the number of tiers, fee types and licensing models. Does this accurately reflect simplicity? If not, would you propose a different approach to assess simplicity? Please elaborate.

<ESMA_QUESTION_CP2_56>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_56>

Q57: The approach proposed for the assessment of the ability of CTP applicants to process data is grounded on the assessment of the technological infrastructure in ensuring scalability, low-latency, accuracy and security throughout the data lifecycle. Do you agree with this approach, or would you consider additional elements to be assessed?

<ESMA_QUESTION_CP2_57>
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<ESMA_QUESTION_CP2_57>

Q58: Which is the minimum speed of dissemination you would consider appropriate for the CTP? Please distinguish between asset classes (and for the case of the equity CTP, between pre- and post-trade date).

<ESMA_QUESTION_CP2_58>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_58>

Q59: The proposed approach to data quality would reward additional commitments and measures that CTP applicants intend to put in place. Do you agree with this approach? What additional commitments and measures would you consider appropriate?

<ESMA_QUESTION_CP2_59>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_59>

Q60: The proposed approach to modern interface and connectivity is grounded on the assessment of the interface technology in terms of reliability, scalability, low latency and security. Do you agree with this approach, or would you consider additional elements to be assessed?

<ESMA_QUESTION_CP2_60>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_60>

Q61: Do you agree with the proposed approach to record keeping, based on the provision of document supporting intended compliance?

<ESMA_QUESTION_CP2_61>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_61>

Q62: The proposed approach to resilience, business continuity and cyber risks is grounded in assessing mandatory DORA requirements applicable to CTPs as a first step (selection criterion), to then reward additional commitments and measures CTPs applicants intended to put in place to mitigate and address outages and cyber-risk . Do you agree with this approach? What additional commitments and measures would you consider appropriate?

<ESMA_QUESTION_CP2_62>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_62>

Q63: Do you agree with the use of the Power Utilisation Effectiveness (PUE) as the metric to assess the energy consumption of the CTP? If not, which alternative approach would you favour?

<ESMA_QUESTION_CP2_63>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_63>

Annex II – Cost Benefit Analysis:

Q64: What costs do you expect in order to comply with the proposed minimum requirements for the quality of transmission protocols? What benefits do you expect? Please indicate to what role (data contributor, CTP, or CT user) your response refers.

<ESMA_QUESTION_CP2_64>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_64>

Q65: What costs do you expect in order to comply with the proposed data format for input and output data? What benefits do you expect? Please indicate to what role (data contributor, CTP, CT user) your response refers.

<ESMA_QUESTION_CP2_65>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_65>

Q66: Do you expect the benefits from the proposed real time data transmission requirement for input data to outweigh the operational costs borne by data contributors?

<ESMA_QUESTION_CP2_66>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_66>

Q67: Do you think that the input and output data fields strike a balance between reporting burden for data contributors/CTPs and benefits for CT users?

<ESMA_QUESTION_CP2_67>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_67>

Q68: Do you think that the proposed data quality requirements are sufficient to achieve the CT's objectives without generating excessive compliance burdens? Please explain.

<ESMA_QUESTION_CP2_68>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_68>

Q69: Which costs do you expect to implement the revenue distribution scheme? Please differentiate between one-off and on-going costs, between fixed and variable costs as well as between direct and indirect costs.

<ESMA_QUESTION_CP2_69>
TYPE YOUR TEXT HERE
<ESMA_QUESTION_CP2_69>

Q70: Which costs do you expect to implement the suspension and the resumption of the revenue distribution scheme? Please differentiate between one-off and on-going costs, between fixed and variable costs as well as between direct and indirect costs.

<ESMA_QUESTION_CP2_70>
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