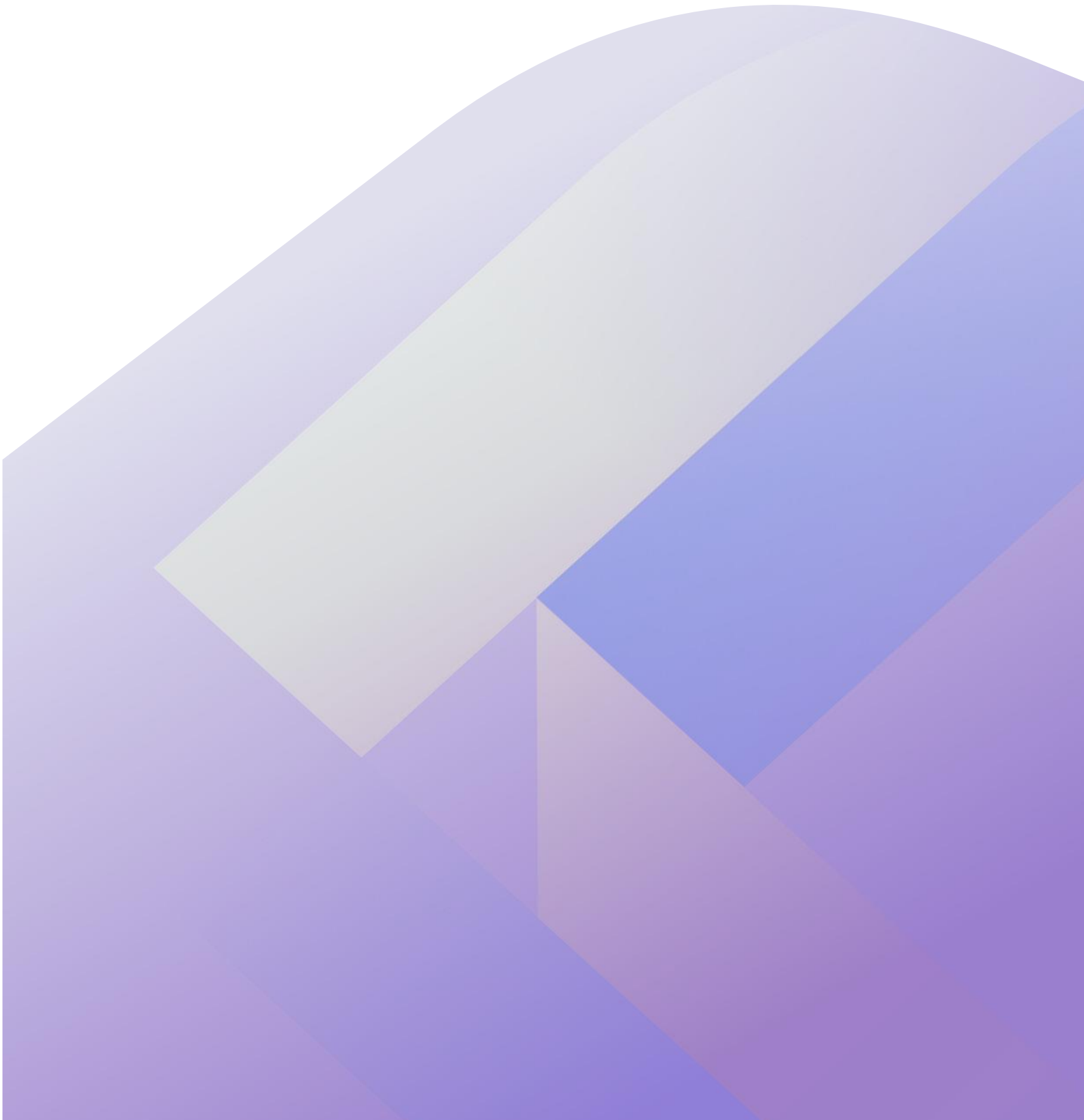


Consultation Paper

On the amendments to certain technical standards for commodity derivatives



Responding to this paper

ESMA invites comments on all matters in this paper and in particular on the specific questions summarised in Annex 1. Comments are most helpful if they:

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

ESMA will consider all comments received by **23 August 2024**.

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 heading '[Data protection](#)'.

Who should read this paper?

This consultation paper is primarily of interest to trading venues, investment firms and non-financial counterparties trading in commodity derivatives, but responses are also sought from any other market participant including trade associations, industry bodies and investors.

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1 Introduction

1. On 28 February 2024, the European Parliament and the Council adopted Directive (EU) 2024/790 amending Directive 2014/65/EU on markets in financial instruments (the amending Directive). Directive (EU) 2014/790 was published in the Official Journal on 8 March 2024 and the new provisions will start applying on 29 September 2025, after transposition into national law by Member States.
2. The amending Directive introduces changes to some of the MiFID II¹ provisions regarding commodity derivatives. In particular, the revised Article 57 of MiFID II extends position management controls to trading venues which trade derivatives on emission allowances, while the revised Article 58 of MiFID II amends the scope of position reporting by excluding emission allowances and introduces a new obligation to report two weekly positions reports², one of which excluding options.
3. These changes require the revision of Commission Delegated Regulation (EU) 2022/1299³ (RTS on position management controls thereafter), Commission Implementing Regulation (EU) 2017/1093⁴ (ITS 4 thereafter) as well as the article on position reporting in Commission Delegated Regulation (EU) 2017/565⁵ (CDR 2017/565 thereafter).
4. ESMA is publishing this consultation paper (CP) covering all the key changes to the technical standards linked to the MiFID II review for commodity derivatives and seeks stakeholders' views on the proposed amendments.
5. The ESMA mandates in MiFID II covering the above referenced RTS and ITS have not been amended together with the revision of MiFID II. Therefore, there is no explicit deadline for ESMA to deliver to the European Commission the final proposals with amendments to the RTS on position management control, ITS 4 and CDR 2017/565. However, the implementation of the Level 1 amendments relies on specifications to be made in the relevant Level 2 measures. In addition, the changes to ITS 4 (mainly, the publication of two weekly reports instead of one) impact the IT systems which cater for the publication of the weekly reports, with IT developments for trading venues and

¹ Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) Text with EEA relevance.

² The obligation to publish two reports concerns only trading venues offering both futures and options. Trading venues offering only futures will continue to publish only one report.

³ Commission Delegated Regulation (EU) 2022/1299 of 24 March 2022 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the content of position management controls by trading venues.

⁴ Commission Implementing Regulation (EU) 2017/1093 of 20 June 2017 laying down implementing technical standards with regard to the format of position reports by investment firms and market operators.

⁵ Article 83 of Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive.

ESMA. Moreover, contrary to MiFIR, there are no transitional provisions in MiFID II, and all changes to MiFID II will apply at the end of the transposition period. Therefore, ESMA considers it is beneficial to consult as early as possible on the amended technical standards.

6. Section 2 of the CP deals with the proposals for amending the RTS on position management controls to include in the scope trading venues which trade derivatives on emission allowances. Section 3 of the CP presents the proposed amendments to ITS 4 and suggestions for the European Commission for amending CDR 2017/565, related to position reporting, while the draft legal texts resulting from the proposals discussed in the CP are provided in Annex I and Annex II.
7. Considering that the proposed changes to the RTS on position management controls are a direct consequence of the change in MiFID II and are expected to have a very limited impact on market participants, ESMA deems it highly disproportionate to carry out a cost-benefit analysis.
8. With respect to the changes to ITS 4, most of the changes are a direct consequence of changes in the legal text and have been carefully developed to minimise the burden on reporting entities. The changes proposed by ESMA on its own initiative are developed in Section 3.2.1.3 and 3.2.1.4 and the costs and benefits are analysed in this section.
9. Based on the responses and feedback received to this CP, ESMA will prepare a final report for submission to the Commission. Respondents to this consultation are encouraged to provide relevant information, in particular quantitative data, to support their arguments or proposals.

2 Amendments related to position management controls

2.1 Background/mandate

Article 57(8) of MIFID II, second sub-paragraph

“ESMA shall develop draft regulatory technical standards to specify the content of position management controls thereby taking into account the characteristics of the trading venues concerned”.

10. The revised MiFID II text, as amended by the amending Directive, extends the scope of the position management requirements, previously limited to trading venues trading

commodity derivatives, to trading venues which trade derivatives on emission allowances.

11. In particular, under Article 57(8) of MiFID II, trading venues trading commodity derivatives and derivatives on emission allowances are required to apply position management controls, which include the following powers:

(a) monitor the open interest positions of persons;

(b) obtain information, including all relevant documentation, from persons about the size and purpose of a position or exposure entered into, information about beneficial or underlying owners, any concerted arrangements, and any related assets or liabilities in the underlying market, including, where appropriate, positions held in derivatives of emission allowances or positions held in commodity derivatives that are based on the same underlying and that share the same characteristics on other trading venues and in economically equivalent OTC contracts through members and participants;

(c) request a person to terminate or reduce a position, on a temporary or permanent basis, and to unilaterally take action to ensure the termination or reduction of the position where the person does not comply with such request; and

(d) require a person to provide, on a temporary basis, liquidity back into the market at an agreed price and volume with the express intent of mitigating the effects of a large or dominant position.

12. The second paragraph of Article 57(8) of MiFID II mandates ESMA to develop a draft RTS to specify the content of position management controls, taking into account the characteristics of the trading venues concerned. Those arrangements are specified in the RTS on position management controls which foresees that trading venues should have in place arrangements for the ongoing monitoring of each commodity derivative traded on their trading venues. In addition, the RTS on position management controls provides that trading venues offering trading in physically settled commodity derivatives shall set accountability levels both in the spot month and other months. Accountability levels refer to a level of net position that the trading venue may consider as a potential source of concern or trigger alarm. Where accountability levels are exceeded, the trading venue can obtain information on the nature of the position held in that commodity derivative, taking into account elements such as the frequency and the magnitude of the excess by the same position holder.

13. While the RTS provides flexibility as to the methodology used for setting accountability levels, it also requires trading venues to inform their competent authorities of the methodology used.

14. Furthermore, to ensure that accountability levels remain fit for purpose, the RTS requires trading venues to assess the effectiveness and adequacy of accountability levels on an annual basis and to inform their competent authority, with the same frequency, of the number of instances where accountability levels have been exceeded together with any follow-up actions undertaken.
15. Against this background, the amendment to Article 57(8), first sub-paragraph, calls for a revision of the RTS on position management controls as discussed in the following section.

2.2 Analysis and proposal

16. Starting with the general monitoring obligation, Article 1 of the RTS on position management controls foresees that trading venues should have in place arrangements for the ongoing monitoring of each commodity derivative traded on their trading venues. ESMA is of the view that the provision should also apply to trading venues trading derivatives on emission allowances as to provide for an adequate level of oversight on these contracts and ensure that the objectives underpinning the extended scope of Article 57(8) of MiFID II are fully met.
17. With respect to the provisions on accountability levels, ESMA notes in the first place that derivatives on emission allowances are physically settled and would therefore fall under the scope of the mandatory accountability levels foreseen in the RTS on position management controls.
18. At the same time, ESMA appreciates that the characteristics of the underlying market, including the complexity of determining and regularly updating the number of allowances available for trading, could possibly make it more challenging for trading venues to have full visibility on available deliverable supply where this parameter is used for the calibration of accountability levels. However, ESMA also notes that under Article 51(2) of MiFID II, regulated markets admitting derivatives to trading should ensure that the design of the derivatives contract allows for its orderly pricing and settlement conditions. Recital 5 of CDR 2017/568 (RTS 17)⁶ further clarifies that the admission to trading on regulated markets of derivatives should take into account whether there is sufficient information for the valuation of the derivative and its underlying, and, for physically settled contracts, the existence of settlement and delivery procedures. To that end, Article 5 of RTS 17 includes among the criteria to be satisfied for admitting derivatives to trading on regulated markets that “*the price or other*

⁶ Commission Delegated Regulation (EU) 2017/568 of 24 May 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the admission of financial instruments to trading on regulated markets.

value measure of the underlying is reliable and publicly available” and that “sufficient information of a kind needed to value the derivative is publicly available”.

19. On that basis, ESMA is of the view that trading venues should have sufficient information on the underlying market of derivatives on emission allowances admitted to trading when considered useful to set and review accountability levels.
20. ESMA therefore considers that the obligation to set accountability levels can meaningfully be extended to trading venues trading derivatives on emission allowances. The same applies to the review and reporting requirements set out in Article 2 and 3, respectively, of the RTS on position management controls.
21. In ESMA’s view, by requiring trading venues trading derivatives on emission allowances to introduce additional market surveillance tools, the extension of the RTS on position management controls contributes to an increased market oversight in those instruments and a better understanding by trading venues of trading patterns taking place on their platforms.

Question 1: Do you agree with ESMA’s proposal to extend the requirements to set, review and report accountability levels to trading venues trading derivatives on emission allowances? Do you have any other comments on ESMA’s proposed amendments? Please elaborate.

22. The amendments proposed to the RTS on position management controls are presented in Annex I below.

3 Amendments related to position reporting

3.1 Background/mandate

23. As part of the commodity derivative framework, MiFID II established a requirement for trading venues to publish a weekly report with the aggregate positions held by different categories of persons in a commodity derivative, emission allowance or emission allowance derivative when both the number of position holders and the size of open position in a specific instrument exceed a minimum threshold (Article 58).
24. The revision of MiFID II introduced two changes to Article 58: the scope of position reporting is amended with the exclusion of emission allowances, and there is a new obligation to report two weekly positions reports, one of which excluding options.
25. Those changes should be reflected in the following level 2 instruments: ITS 4 and the relevant article on position reporting in Commission Delegated Regulation (EU)

2017/565⁷ (CDR 2017/565 thereafter). The ESMA mandate corresponding to ITS 4 is set out in Article 58(5) of MiFID II. Regarding CDR 2017/565, the European Commission adopted this delegated act in accordance with the mandate in Article 58(6) of MiFID II, on the basis of ESMA's technical advice:

⁷ Article 83 of Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive.

Article 58 of MiFID II – Position reporting by categories of position holders

1. Member States shall ensure that an investment firm or a market operator operating a trading venue which trades commodity derivatives or ~~derivatives of~~ emission allowances ~~or derivatives thereof~~:

(a) make public

~~(i) for trading venues where options are traded, two a-weekly reports, of which one is to exclude options, with the aggregate positions held by the different categories of persons for the different commodity derivatives or derivatives of emission allowances or derivatives thereof traded on their trading venue, specifying the number of long and short positions by such categories, changes thereto since the previous report, the percentage of the total open interest represented by each category and the number of persons holding a position in each category in accordance with paragraph 4 and communicate that report to the competent authority and to ESMA; ESMA shall proceed to a centralised publication of the information included in those reports;~~

~~(ii) for trading venues where options are not traded, a weekly report on the elements set out in point (i);~~

~~Member States shall ensure that an investment firm or a market operator operating a trading venue which trades commodity derivatives or derivatives of emission allowances communicates the reports referred to in point (a) of the first subparagraph to the competent authority and to ESMA. ESMA shall proceed to a centralised publication of the information included in those reports.~~

[...]

~~The obligation laid down in point (a) shall only apply when both the number of persons and their open positions exceed minimum thresholds.~~

[...]

5. ESMA shall develop draft implementing technical standards to determine the format of the reports referred to in point (a) of paragraph 1 and of the breakdowns referred to in paragraph 2.

[...]

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 89 to specify the thresholds referred to in the second subparagraph of paragraph 1 of this

Article, having regard to the total number of open positions and their size and the total number of persons holding a position.

3.2 Analysis and proposals

3.2.1 Amendments to ITS 4

3.2.1.1 New weekly report with futures only – impact on ITS 4

26. In accordance with the MiFID II review, trading venues where options are traded are required to publish two weekly position reports instead of one: in addition to the existing weekly report combining futures and options positions, they are required to publish a weekly report excluding options positions (Article 58(1)(a)). Trading venues where options are not traded are required to publish a single weekly reports with, de facto, futures only (Article 58(1)(aa)).
27. ESMA suggest that the content and format of the new weekly report (excluding options) is aligned with the content and format of the existing weekly report (futures and options combined). This approach is supported by the wording of the amending Directive (“two weekly reports, of which one excluding options”) which does not introduce changes to the substance of the provision.
28. To distinguish between the two types of reports, a field “Report type” is added to the list of fields to be reported in the weekly reports (Table 3 of Annex I of ITS 4). The field can take one of the two following values: ‘COMB’— Report with futures and options positions combined; or ‘FUTR’ — Report with futures positions only. The field reads as follows:

FIELD	DETAILS TO BE REPORTED	FORMAT FOR REPORTING
Report type	Indication as to whether the report is the one combining positions on options and futures positions, or the one excluding options positions	‘COMB’— Report with futures and options combined ‘FUTR’ — Report excluding options

29. In accordance with Article 58(1)(a) of MiFID as amended, trading venues where options are traded should publish two weekly reports, one with report type ‘COMB’ and one with report type ‘FUTR’. In accordance with Article 58(1)(aa) of MiFID as amended, trading venues where options are not traded should publish one weekly report, with report type ‘FUTR’.

30. The description of the field “Number of positions” in Table 3 of Annex I of ITS 4 is also amended to reflect the existence of the two reports, one of which excludes options. More specifically, the sentence “Option contracts shall be included in the aggregation and reported on a delta-equivalent basis” is replaced with the following: “If the field “Report type” is equal to ‘COMB’, option contracts shall be included in the aggregation and reported on a delta-equivalent basis. If the field “Report type” is equal to ‘FUTR’, option contracts shall not be included in the aggregation.”
31. In addition, the field “Report type” is added in the top section of the table which defines the format of the weekly report (Table 1 of Annex I of ITS 4), as shown below. This would allow the users of the weekly reports to identify which report is presented.

Table 1
Weekly Reports

{Name of Trading Venue}
{Trading Venue Identifier}
{Date to which the Weekly Report refers}
{Date and time of Publication}
{Name of Commodity Derivative Contract, Emission Allowance or Derivative thereof}
{Venue product code}
{Report status}
{Report type}

3.2.1.2 Exclusion of emission allowances from the scope of position reporting

32. In the amended Article 58 of MiFID II, position reporting only applies to commodity derivatives and emission allowance derivatives, and no longer to emission allowances (spot).
33. To reflect this change in ITS 4, all references to “emission allowances and derivatives thereof” are replaced with references to “derivatives of emission allowances”, hence using the same terminology as the one used in the amended MiFID II.

3.2.1.3 Harmonising weekly position reports (Annex I of ITS 4)

34. Recently, ESMA used weekly position reports for several analysis on commodity and emission allowances derivatives (e.g. report on carbon market in 2022 and report on the market correction mechanism (MCM) in 2023⁸). In the case of the MCM report, ESMA faced an issue with the unharmonized reporting of the position units by different trading venues. Indeed, EEX publishes weekly reports on Dutch TTF natural gas with positions expressed in MWh while for the same contract, ICE Endex publishes weekly

⁸ Effects Assessment on the impact of the market correction mechanism on financial markets (ESMA70-445-794, 1 March 2023)

reports with positions expressed in lots. This prevents the aggregation and comparison of positions across different venues.

35. Based on weekly position reports published in November 2023 (Figure 1), ESMA observes that the inconsistency in unit of reporting is limited to power and natural gas derivatives. In addition, several trading venues are publishing weekly reports in a unit labelled “Other”, which is unclear: it could mean lots or MWh or yet a different unit. Finally, there is no consensus amongst trading venues on the unit of reporting: “MWh”, “Lots” and “Other” are used by a similar number of trading venues hence there is no obvious standard market practice. On emission allowances, agricultural and freight derivatives, all weekly reports are published in lots.
36. The unit in which positions shall be expressed is not prescribed at Level 1. At Level 2, the description of the field “Number of positions” currently states that the quantity shall be expressed “either in number of lots (when the position limits are expressed in lots) or units of the underlying.” However, contracts which have position limits expressed in MWh are not always reported in MWh (e.g. Dutch TTF), and that contracts which do not have position limits are reported either in lots, MWh or “Other”.

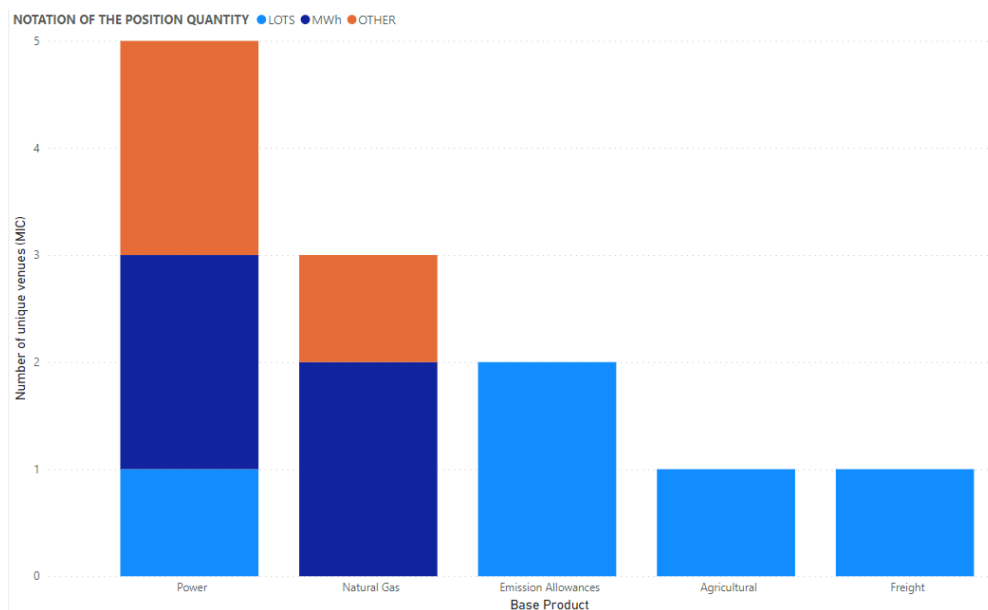


Figure 1: Units in which the positions are expressed in the weekly position reports (source: weekly position reports published on ESMA website, November 2023. ESMA calculations)

37. Harmonising the unit of reporting would be beneficial for all users of the weekly position reports who are aggregating the reports of several trading venues for analytical

purposes. ESMA is aware that there is a wide range of users for those reports, including financial markets participants, researchers, students and the media, in addition to the regulators community.

38. In addition, the harmonising the units of reporting of the weekly reports is even more important for power and natural gas derivatives because the conversion between lots and MWh cannot be performed with aggregated data⁹. Consequently, it is not possible to aggregate the weekly position reports of one trading venue reporting in lots with those of another trading venue reporting in MWh.

Proposal for natural gas and electricity derivatives

39. Position limits on power and natural gas derivatives have generally been expressed in unit of underlying rather than lots, when such position limits exist or existed. In addition, the unit of underlying (e.g. MWh) allows comparison with the spot market. Positions expressed in unit of underlying provide a more neutral representation of positions as it is independent from the lot size¹⁰.
40. Therefore, ESMA proposes that positions in power and natural gas derivatives are expressed in unit of underlying in the weekly reports, and not in lots. That unit of underlying is defined in the contract specification (MWh, therm, MMBtu).

Proposal for contracts other than natural gas and electricity derivatives

41. Currently, positions on derivatives other than power and natural gas are reported in lots in the weekly reports. ESMA proposes to make this current practice mandatory to ensure that no inconsistent reporting materialises in the futures. Users who wish to convert the positions from lots to unit of underlying can do so by multiplying the positions in lots with the contract size provided in the contract specification.
42. Consequently, the format of the unit of reporting (field “Notation of the position quantity” in Table 3 of Annex I of ITS 4) is amended to allow only the values “LOTS” (for contracts other than natural gas and electricity derivatives) and the units relevant for natural gas and electricity derivatives (MWh, therm, MMBtu). Stakeholders are invited to comment on whether any other additional units of underlying should be added to that list.

Assessment of the costs and benefits

⁹ For some derivative contracts, the lot size always represents the same amount of unit of underlying (for example, 1 lot of a Corn contract = 50 tonnes) so the conversion from lots to unit is straightforward. This is not the case of power and gas contracts, because the contract size in MWh varies with the contract maturity. For example, one lot of a natural gas monthly contract = 1MW x 24h x 30 days = 720MWh; one lot of a natural gas yearly contract = 1MW x 24h x 365 days = 8,760MWh. Given that monthly and yearly contracts are aggregated in the weekly reports, it is not possible to convert lots to MWh and vice versa.

¹⁰ If person A holds 1 lot of a yearly contract (8,760MWh) and person B holds 12 lots of a monthly contracts (12 * 720 = 8760MWh), both have the same positions in MWh but not in lots.

43. The policy objective of the proposal developed above is to allow market participants to aggregate and compare weekly reports published by different trading venues. To achieve this objective, the technical proposal consists in requiring trading venues to publish those weekly reports in the same unit. ESMA identified that this harmonisation of the unit of reporting is of particular importance for electricity and natural gas derivatives contracts, because there is no simple way to convert positions denominated in lots into positions denominated in the unit of underlying (MWh).
44. The benefit of the proposal is that the weekly position reports concerning derivatives on electricity and natural gas can be aggregated and compared by the users, increasing their usability and relevance. The weekly position reports are made available free of charge to the public and can be downloaded on ESMA's website and on trading venues' websites. There is a wide variety of users of the weekly position report including market participants, the media, researchers, as well as competent authorities at national or European level.
45. Regarding costs, ESMA has not identified any costs incurred by regulators nor users. Trading venues who are not already reporting their weekly position reports on electricity and natural gas in units of underlying will incur a one-off cost, corresponding to the amendment of the unit of reporting of those weekly reports. On-going costs for those trading venues have not been identified. Based on weekly position reports currently published, ESMA identified that the one-off costs would be borne by three trading venues (one currently reporting in lots, and two currently reporting the unit 'Other').
46. Overall, ESMA proposes to amend the relevant fields in Table 3 of Annex I of ITS 4 as follows:

FIELD	DETAILS TO BE REPORTED	FORMAT FOR REPORTING
Number of positions	Field to be populated with the aggregate quantity of open interest held on Friday at the end of the trading day. The quantity should be expressed either in number of lots (when the position limits are expressed in lots) or units of the underlying. If the field "Report type" is equal to 'COMB', option contracts shall be included in the aggregation and reported on a delta-equivalent basis. If the field "Report type" is equal to 'FUTR', option contracts shall not be included in the aggregation.	{DECIMAL-15/2}
Notation of the position quantity	This field shall be populated with the units used to report the number of positions.	'LOTS' if the position quantity is expressed in lots or

	<p>For derivatives on electricity and natural gas, the quantity should be expressed in units of the underlying.</p> <p>For other derivatives, the quantity should may be expressed either in lots or in units of the underlying.</p>	<p>{ALPHANUM-25} — a description of the units used if the position quantity is expressed in units of the underlying</p> <p>'TOCD' — tonnes of carbon dioxide equivalent, for any contract related to emission allowances</p> <p>'TONE' — metric tonnes</p> <p>'MWHO' — megawatt hours</p> <p>'MBTU' — one million British thermal units</p> <p>'THMS' — Therms</p> <p>'DAYS' — days</p> <p>or</p> <p>{ALPHANUM-4} otherwise</p>
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3.2.1.4 Harmonise daily position reports (Annex II of ITS 4)

47. Article 58(2) of MiFID II sets obligations for investment firms trading commodity derivatives or derivatives of emission allowances when traded outside a trading venue (EOTC) to submit daily reports to the competent authority (“daily position reports”). Investment firms have the duty to provide the information in Article 58(2) of MiFID II in relation to the positions of their clients and the clients of those clients until the end client is reached. The format of those daily position reports is also specified in ITS 4 (Article 2 and Annex II).

48. There is merit in aligning the reporting format of the daily reports with that of the weekly reports. Therefore, ESMA suggests reflecting in the daily reports the changes proposed to the fields above in the weekly reports. In addition, a few minor corrections to the drafting of certain fields are further explained below.

Fields “Position quantity” and “Notation of the position quantity” (Table 2 of Annex II)

49. The field “Notation of the position quantity” in Table 2 of Annex II of ITS 4 (daily reports) is aligned with the proposals made for weekly position reports presented in the previous section.

Notation of the position quantity	<p>This field shall be populated with the units used to report the number of positions.</p> <p>For derivatives on electricity and natural gas, the quantity should be expressed in units of the underlying.</p> <p>For other derivatives, the quantity should may be expressed either in lots or in units of the underlying.</p>	<p>'LOTS' — if the position quantity is expressed in lots</p> <p>or</p> <p>{ALPHANUM-25} — a description of the units used if the position quantity is expressed in units of the underlying</p> <p>'TOCD' — tonnes of carbon dioxide equivalent, for any contract related to emission allowances</p> <p>'TONE' — metric tonnes</p> <p>'MWHO' — megawatt hours</p> <p>'MBTU' — one million British thermal units</p> <p>'THMS' — Therms</p>
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		'DAYS' – days or {ALPHANUM-4} otherwise
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Fields “Position type”, “Position maturity” and “Delta equivalent position quantity” (Table 2 of Annex II)

50. The field “Position type” is specific to the daily reports, it does not exist in the weekly reports. Currently in Table 2 of Annex II, this field is expected to be reported with the value ‘EMIS’ for emission allowances and derivatives thereof. As emission allowances are no longer in the scope of position reporting, the reference to “emission allowances” should be deleted.

51. It is further suggested deleting the reference to “derivatives thereof” because the purpose of this field is to provide information on the type of instrument (futures or options) rather than on the underlying. Derivatives on emission allowances should be reported as any other derivatives i.e. with the existing flags ‘OPTN’, ‘FUTR’ or ‘OTHR’. Stakeholders are invited to comment on whether other types should be added to that list.

52. As a result, ESMA is proposing to amend the field “Position type” as follows:

Position type	Field to report whether the position is in either futures, options, emission allowances or derivatives thereof or any other contract type.	‘OPTN’ – Options, including separately tradable options on FUTR or OTHR types, excluding products where the optionality is only an embedded element ‘FUTR’ – Futures ‘EMIS’ – Emission allowances and derivatives thereof ‘OTHR’ – any other contract type
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53. Consequently, cross-references to ‘EMIS’ should be deleted in the fields “Position Maturity” and “Delta equivalent position quantity”, as shown below.

Position maturity	Indication of whether the maturity of the contract comprising the reported position relates to the spot month or to all other months. Note: separate reports are required for spot months and all other months.	‘SPOT’ – spot month, including all positions in position types EMIS ‘OTHR’ – all other months
Delta equivalent	If the Position Type is ‘OPTN’ or an option on ‘EMIS’¹¹ , then this field shall contain the delta-	{DECIMAL-15/2}

¹¹ an option on emission allowances should be reported with the position type ‘OPTN’ hence it is already included in the case “if Position Type is ‘OPTN’”.

position quantity	equivalent quantity of the position reported in the 'Position Quantity' field. This field should be populated with a positive number for long calls and short puts and a negative number for long puts and short calls.	
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3.2.1.5 Identification of entities in daily reports

54. Currently, ITS 4 requires the identification of the following entities: position holder, reporting entity and ultimate parent entity. Furthermore, the ITS specifies that these entities shall be identified with the Legal Entity Identifier code (LEI) for legal entities or national ID – for natural persons.

55. With regards to the reporting entities, it is understood that they are always expected to be legal entities (investment firms), therefore there is no need to allow for identification with a national ID in the Reporting entity field. Leaving such possibility could lead to inconsistent identification of legal entities, therefore it is proposed to remove the reference to the national ID in the Reporting entity field.

56. Furthermore, it is proposed to enhance the wording in the field pertaining to the position holder and the ultimate parent. Notably, while these fields may contain national IDs, it is proposed to specify that it should be used only in the case of natural persons who are acting as private individuals that are not eligible for an LEI (as opposed to simply not having an LEI). This is to ensure that private individuals that act in a business capacity which are therefore legal entities are also duly identified with an LEI. The proposed wording is consistent with the Regulatory Oversight Committee (ROC) statement on the eligibility for LEI on individuals acting in a business capacity¹².

57. As a result, ESMA is proposing to amend the fields “Reporting entity ID”, “Position holder ID” and “Ultimate parent entity ID” in Table 2 of Annex II as follows:

Reporting entity ID	The identifier of the reporting investment firm. Field to be populated with the Legal Entity Identifier code (LEI) for legal entities or {NATIONAL_ID} for natural persons not having an LEI.	{LEI} or {NATIONAL_ID} – Natural persons
Position holder ID	Field to be populated with the Legal Entity Identifier code (LEI) for legal entities or {NATIONAL_ID} for natural persons not having an LEI who are acting as private individuals that are not eligible for an LEI. (Note: if the position is held as a	{LEI} or {NATIONAL_ID} – Natural persons

¹² https://www.leiroc.org/publications/gls/lou_20150930-1.pdf

	proprietary position of the reporting firm, this field shall be identical to field 'Reporting entity ID').	
Ultimate parent entity ID	Field to be populated with the Legal Entity Identifier code (LEI) for legal entities or {NATIONAL_ID} for natural persons not having an LEI who are acting as private individuals that are not eligible for an LEI . Note: this field may be identical to field 'Reporting entity ID' or 'Position holder ID' if the ultimate parent entity holds its own positions, or makes its own reports.	{LEI} or {NATIONAL_ID} – Natural persons

3.2.1.6 Format of reporting

58. Article 3 of the ITS 4 specifies that the daily and weekly reports shall be submitted in a common standard XML format.
59. However, the review of position reporting requirements offers the opportunity to explore alternative formats to improve the efficiency of data transmission and processing. Specifically, it is proposed in the context of ITS4 review to change the reporting format from XML to JSON.
60. During the preparatory policy work on Consolidated Tape Providers, ESMA commissioned a study on data formats and transmission protocols¹³. The objective of the study, which was published in January 2024, was to identify the best technical solution suitable for both CTP data collection and any other reporting regime to be potentially revised. Based on several criteria, the study identified JSON as the most suitable data format when considering the revision of a regulatory reporting regime. According to the outcomes of the study, JSON emerged as an optimal data format for generic regulatory reporting purposes thanks to its simple syntax – which makes it developer-friendly – and its flexibility – which allows to represent complex data structures.
61. Based on insights gained from this study, ESMA undertook an assessment to determine whether transitioning from XML, currently mandated in various reporting regimes, to JSON would provide benefits within the concerned framework. In conducting this evaluation, ESMA focussed on comparing the technical attributes of both formats. This assessment revealed that JSON outperforms XML in several key areas relevant for supervisory reporting. First, its less verbose syntax ensures higher reliability and ease of use which reduces the likelihood of errors during

¹³ [ESMA12-437499640-2360 Study on data formats and transmission protocols \(europa.eu\)](#) –Throughout this study, a shortlist of data formats was assessed against various technical criteria. For a summary of the scores of each format under each technical criterion, please refer to page 58. Additionally, justification for the final recommendation can be found on page 121.

transmission/reception of information and increases the overall data quality. Additionally, JSON facilitates faster data transmission compared to XML, through better performances in parsing and serialization speed.

62. When evaluating costs and benefits of a potential transition from XML to JSON, it is essential to also assess the compatibility of the proposed new format requirement with the ISO 20022 methodology. ISO 20022 – globally recognised as the standard for financial messaging and data interchange – is designed to accommodate a variety of data-interchange formats, among which JSON and XML are both included. Given that ISO 20022 provides and maintains specifications for transforming logical messages into JSON syntax, the process of developing ISO 20022 messages using JSON remains analogous to that of XML messages. Consequently, adherence to ISO 20022 is expected to streamline the implementation of JSON messages by market participants.
63. Considering the operational costs for all entities involved in the reporting chain associated with a potential transition from XML to JSON, it is important to weigh the benefits carefully. Firstly, JSON's simplicity and its interoperability with XML, particularly in relation to the ISO 20022 methodology, are expected to mitigate change management efforts. Furthermore, JSON's superior performance in processing speed and reduced bandwidth usage should lead to lower costs for data transmissions and storage throughout the reporting chain.
64. Based on similar considerations, a gradual transition towards JSON is being considered also for other reporting regimes currently envisaging XML requirements (e.g. MiFIR transaction and reference data reporting). Therefore, a coherent harmonisation of daily and weekly reporting requirements for positions in commodities derivatives would imply efficiency gains both for reporting entities (data suppliers) and ESMA/NCAs (data consumers).

3.2.1.7 Summary table of the changes to ITS 4

Change ID	Proposals	Section
1	Add a field "Report type" in Table 1 of Annex I of ITS 4 to reflect the existence of two weekly reports, one excluding options.	3.2.1.1
2	Add a field "Report type" in Table 3 of Annex I of ITS 4 to reflect the existence of two weekly reports, one excluding options. This field takes the value 'COMB' for the report combining futures and options, and the value 'FUTR' for the report excluding options.	3.2.1.1
3	Amend the description of the field "number of positions" in Table 3 of Annex I of ITS 4 to reflect the existence of two weekly reports, as follows <i>"If the field "Report type" is equal to 'COMB', option contracts shall be</i>	3.2.1.1

	<i>included in the aggregation and reported on a delta-equivalent basis. If the field "Report type" is equal to 'FUTR', option contracts shall not be included in the aggregation."</i>	
4	Delete references to emission allowances (spot) in ITS 4	3.2.1.2
5	Amend the description of the field "Notation of the position quantity" in Table 3 of Annex I of ITS 4 (weekly position reports) to specify that positions in derivatives on electricity and natural gas should be expressed in units of underlying and that positions in other derivatives should be expressed in lots. In the same field, amend the format accordingly.	3.2.1.3
6	Amend the descriptions and formats of the fields "Position quantity" and "Notation of the position quantity" in Table 2 of Annex II of ITS 4 (daily position reports), to align with the above changes on weekly position reports.	3.2.1.4
7	Drafting changes to fields "Position type", "Position maturity" and "Delta equivalent position quantity" in Table 2 of Annex II of ITS 4 (daily position reports): deletion of reference to emission allowances, and deletion of code 'EMIS'	3.2.1.4
8	Drafting changes to the fields "Position holder ID", "Reporting entity ID" and "Ultimate parent ID" in Table 2 of Annex II of ITS 4 (daily position reports): clarifying when the National ID is expected to be used	3.2.1.5
9	Change the format requirements of daily and weekly reports (Article 3 of ITS 4) from XML to JSON	3.2.1.6

Question 1: Do you foresee any challenges with the use of JSON format comparing to XML? Please provide estimates of the costs and benefits (short- and long-term) related to potential transition to JSON? (change 9)

Question 2: Do you agree with the other proposals to change ITS 4? Please use the reference number in the table above to provide comments on a specific proposal. In relation to the proposed change 5, are there other units of underlying to be added to the existing list including for reporting the information on emission allowances? In relation to the proposed change 7, are there other position types that should be added to provide more granular reporting, beyond the existing (futures, options and other)? In relation to the proposed change 8, do you foresee any scenarios in which the possibility to use the National ID should be retained?

3.2.2 Technical Advice on Position reporting thresholds

65. Weekly reports shall be published only when the number of position holders and the open interest exceed certain thresholds. Those thresholds are set out in Article 83(1) of CDR 2017/565 as follows:

(a) 20 open position holders exist in a given contract on a given trading venue; and

(b) the absolute amount of the gross long or short volume of total open interest expressed in the number of lots of the relevant commodity derivative is equal to, or exceeds, 10 000 lots.

66. In ESMA's view, CDR 2017/565 should be amended in the context of the MiFID II review to clarify how the thresholds apply to the two weekly reports: pre-existing weekly report with futures and options positions combined, and new weekly report excluding options.

67. Indeed, with the existence of two reports, thresholds may not be exceeded when considering positions on futures only (e.g. 19 market participants in futures) and exceeded when considering positions on futures and options (e.g. 21 markets participants in futures and options, meaning 2 market participants are active only in options). Similarly, the number of open positions may exceed the threshold of 10,000 lots when futures and options are combined, but not exceed that threshold when only futures positions are considered.

68. ESMA proposes to clarify that the thresholds apply to the weekly report based on futures and options combined, and not individually to the new weekly reports (excluding options). With this methodology, when the thresholds are exceeded on the basis of futures and options combined, trading venues where options are traded will be required to publish both weekly reports and trading venues where options are not traded will be required to publish the only relevant weekly report (futures only)¹⁴.

69. This option is consistent with the intention of the Level 1 text, which was to provide additional transparency on the contracts which are already subject to weekly position reporting. This option is also simple and does not add compliance burden on reporting entities, given that the conditions to check are the same as the current ones.

70. In addition, ESMA advises the European Commission to reflect the change of scope of position reporting in CDR 2017/565. In the amended Article 58 of MiFID II, position reporting only applies to commodity derivatives and emission allowance derivatives, and no longer to emission allowances (spot). To reflect this change in Article 83 of CDR 2017/565, the reference to "emission allowances and derivatives thereof" should be replaced with a reference to "derivatives of emission allowances", using the same terminology as the one used in the amended MiFID II.

¹⁴ In the case of trading venues where options are not traded, the weekly report combining futures and options, and the weekly report with futures only, are identical (and only the latter needs to be published). Therefore, applying the threshold to one or the other leads to the same outcome.

71. Taking those two changes into account, the Draft Technical Advice is provided below. The draft technical advice is provided in accordance with Article 16a(1) of ESMA Regulation¹⁵

Article 83

Position reporting

(Article 58(1) of Directive 2014/65/EU)

1. For the purpose of the weekly reports referred to in Art 58(1)(a) of Directive 2014/65/EU, the obligation for a trading venue to make public such ~~a~~ reports shall apply when both of the following two thresholds are met:

(a) 20 open position holders exist in a given contract, *futures and options combined*, on a given trading venue and

(b) the absolute amount of the gross long or short volume of total open interest expressed in the number of lots of the relevant commodity derivative, *futures and options combined*, is equal to, or exceeds, 10 000 lots.

For ~~emission allowances and~~ derivatives *of emission allowances* thereof, point (b) shall not apply.

72. Article 83(3) further provides that when there are less than five position holders active in a given category of persons, the number of position holders in that category shall not be published in the weekly position report. This provision was introduced to reduce the risk of breach of confidentiality concerning position holders when there are only a few of them in a specific category¹⁶. After the MiFID II revision, Article 83(3) will continue to apply to each weekly report (“futures and options combined”, and “excluding options”). Hence in each of those two reports, the number of position holders will not be published when this number is below five, and the risk of breach of confidentiality will be equally mitigated in the two reports.

Question 3: Do you support the draft Technical Advice related to Article 83 of CDR 2017/5654?

¹⁵ The Authority may, upon a request from the European Parliament, from the Council or from the Commission, or on its own initiative, provide opinions to the European Parliament, the Council and the Commission on all issues related to its area of competence."

¹⁶ See Recital (4) of Commission Delegated Regulation (EU) [2021/527](#) of 15 December 2020 amending Commission Delegated Regulation (EU) 2017/565 as regards the thresholds for weekly position reporting

4 Annex

4.1 Annex I - Amendments to the RTS on position management controls

COMMISSION DELEGATED REGULATION (EU)/....

of []

amending Commission Delegated Regulation (EU) 2022/1299 of 24 March 2022 with regard to regulatory technical standards specifying the content of position management controls by trading venues

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU²⁸, and in particular Article 57(8), first subparagraph, thereof,

Whereas:

(1) Directive (EU) 2024/790 of the European Parliament and of the Council sets out amendments to Directive 2014/65/EU as regards the scope of position management controls under Article 57(8) of Directive 2014/65/EU.

(2) In accordance with those amendments to Article 57(8) of Directive 2014/65/EU the scope of the position management controls included in Commission Delegated Regulation (EU) 2022/1299, applicable to trading venues trading commodity derivatives, should be extended to trading venues trading derivatives on emission allowances.

(3) The amendments to Article 57(8) of Directive 2014/65/EU, set out in Directive (EU) 2024/790, will apply from 29 September 2025. To ensure consistency and legal certainty, this Regulation should apply from the same date.

(4) This Regulation is based on the draft regulatory technical standards submitted to the Commission by the European Securities and Markets Authority (ESMA).

(5) ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based and requested the advice of the Securities and Markets

Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council. ESMA did not analyse the potential related costs and benefits as this would have been disproportionate in relation to the nature of the amendments which are a direct consequence of a change in the legal text and are expected to have a very limited impact on market participants;

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2022/1299

Delegated Regulation (EU) 2022/1299 is amended as follows:

(1) Article 1 is replaced by the following:

‘Article 1

General monitoring obligations

Trading venues shall have arrangements in place for the ongoing monitoring of positions held by end position holders and parent undertakings in each commodity derivative or derivative on emission allowances traded on their trading venues’;

(2) Article 2 is replaced by the following:

‘Article 2

Accountability levels

1. As part of their position management controls, trading venues offering trading in commodity derivatives or derivatives on emission allowances shall set accountability levels in the spot month as defined in Article 2, point (3) of Commission Delegated Regulation (EU) 2022/1302 ⁽¹⁾ and in the other months as defined in Article 2, point (4) of Delegated Regulation (EU) 2022/1302 for commodity derivatives or derivatives on emission allowances made available for trading that are physically settled or can be physically settled.

2. For the purpose of paragraph 1, an accountability level is the level of the net position held in a commodity derivative or derivative on emission allowances by an end position holder

(1) Commission Delegated Regulation (EU) 2022/1302 of 20 April 2022 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the application of position limits to commodity derivatives and procedures for applying for exemption from position limits (OJ L 197, 26.7.2022, p. 52).

or parent undertaking that, when exceeded, may trigger a request for additional information by the trading venue in accordance with paragraph 3.

3. When a net position held by an end position holder or a parent undertaking in a commodity derivative or derivative on emission allowances referred to in paragraph 1 exceeds the accountability level set for the spot month or for the other months in accordance with paragraph 1 of this Article, the trading venue shall, where deemed appropriate, obtain information as to the nature and purpose of the position held in that commodity derivative or derivative on emission allowances. When assessing whether it is appropriate to obtain information, the trading venue shall take into account the frequency by which the accountability levels are exceeded by the same end position holder or parent undertaking, the magnitude of the excess and other relevant information already available'.

Article 2

Entry into force and application

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

It shall apply from 29 September 2025.

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

Done at Brussels, dd mmmm yyyy.

For the Commission

The President

4.2 Annex II - Amendments to ITS 4

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of [.]

amending Implementing Regulation (EU) 2017/1093 laying down implementing technical standards with regard to the format of position reports by investment firms and market operators

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU ⁽¹⁾, and in particular Article 58(5), third subparagraph, thereof,

Whereas:

(1) Directive (EU) 2024/790 of the European Parliament and of the Council ⁽²⁾ sets out amendments to Article 58 of Directive 2014/65/EU as regards position reporting.

(2) In accordance with those amendments to Article 58 of Directive 2014/65/EU, position reporting no longer applies to emission allowances as referred to in Section C.11 of Annex I of that Directive. Therefore, references to this category of financial instruments in the implementing technical standards laid down in Commission Implementing Regulation (EU) 2017/1093 ⁽³⁾ should be deleted.

(3) In addition, in accordance with those amendments to Article 58 of Directive 2014/65/EU, trading venues where options are traded are required to publish a weekly report excluding options, in addition to the existing weekly report with positions on futures and options combined. Therefore, to ensure that market participants can distinguish between the two types of weekly reports, the relevant reporting fields in the implementing technical standards laid down in Commission Implementing Regulation (EU) 2017/1093 ⁽³⁾ should be amended.

(4) To ensure that positions on electricity and natural gas derivatives can be compared and aggregated across venues in the weekly position reports, trading venues should provide the figures on positions on those contracts in the unit of the underlying. Therefore, the relevant reporting fields in the implementing technical standards laid down in Commission Implementing Regulation (EU) 2017/1093 ⁽³⁾ should be amended

(5) To improve the efficiency of data transmission and data processing of daily and weekly position reports, the common standard format should be moved to JSON, allowing for faster data transmission and reduced likelihood of errors during data exchange, while maintaining compatibility with ISO 20022 standard.

(6) Implementing Regulation (EU) 2017/1093 should therefore be amended accordingly.

(7) The amendments to Article 58 of Directive 2014/65/EU, set out in Directive (EU) 2024/790, will apply from 29 September 2024. To ensure consistency and legal certainty, this Regulation should apply from the same date;

(8) This Regulation is based on the draft implementing technical standards submitted to the Commission by the European Securities and Markets Authority.

(9) The European Securities and Markets Authority has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the advice of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2017/1093 is amended as follows:

(1) Article 1 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Investment firms or market operators operating a trading venue shall prepare the weekly report referred to in Article 58(1)(a) of Directive 2014/65/EU, separately for each commodity derivative or derivative of emission allowances that is traded on that trading venue, in accordance with the format set out in the tables of Annex I to this Regulation.’

(b) paragraph 2 is replaced by the following:

‘2. The reports referred to in paragraph 1 shall contain the aggregate of all positions held by the different persons in each of the categories set out in Table 1 to

Annex I in an individual commodity derivative or derivative of emission allowance that is traded on that trading venue.’

(2) Article 3 is replaced by the following:

‘Trading venue operators and investment firms shall submit the reports referred to in Articles 1 and 2 in a common standard JSON format.’

(3) Annex I is amended in accordance with Annex I to this Regulation.

(4) Annex II is amended in accordance with Annex II to this Regulation.

Article 2

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

It shall apply from 29 September 2025.

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

Done at Brussels,

For the Commission

The President

Ursula VON DER LEYEN

⁽¹⁾ [OJ L 173, 12.6.2014, p. 349](#).

⁽²⁾ Directive (EU) 2024/790 of the European Parliament and of the Council of 28 February 2024 amending Directive 2014/65/EU ([OJ L, 8.3.2024, p. 1](#)).

⁽³⁾ Commission Implementing Regulation (EU) 2017/1093 of 20 June 2017 laying down implementing technical standards with regard to the format of position reports by investment firms and market operators ([OJ L 158, 21.6.2017, p. 16](#)).

⁽⁴⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC ([OJ L 331, 15.12.2010, p. 84](#)).

Table 1 of Annex I to Implementing Regulation (EU) 2017/1093 is replaced by the following:

Table 1

Table of fields to be reported for all positions across all maturities of all contracts for the purposes of Article 2

{Name of Trading Venue} {Trading Venue Identifier} {Date to which the Weekly Report refers} {Date and time of Publication} {Name of Commodity Derivative Contract or Derivative of Emission Allowance or Derivative thereof } {Venue product code} {Report status} {Report type}													
	Notation of the position quantity		Investment Firms or credit institutions		Investment Funds		Other Financial Institutions		Commercial Undertakings		Operators with compliance obligations under Directive 2003/87/EC		
			Long	Short	Long	Short	Long	Short	Long	Short	Long	Short	
Number of positions		Risk Reducing directly related to commercial activities											
		Other											
		Total											
Changes since the previous		Risk Reducing directly											

report (+/-)	related to commercial activities											
	Other											
	Total											
Percentage of the total open interest	Risk Reducing directly related to commercial activities											
	Other											
	Total											
Number of Persons holding a position in each category		Combined	Combined	Combined	Combined	Combined	Combined	Combined	Combined	Combined	Combined	Combined
	Total											

Table 3 of Annex I to Implementing Regulation (EU) 2017/1093 is replaced by the following:

Table 3

Table of fields to be reported for every commodity derivative or **derivative of** emission allowance **or derivative** for the purposes of Article 1

FIELD	DETAILS TO BE REPORTED	FORMAT FOR REPORTING
Name of Trading Venue	Field to be populated with the full name of the trading venue.	{ALPHANUM-350}
Trading Venue Identifier	Field to be populated with the ISO 10383 segment MIC of the trading venue. Where the segment MIC does not exist, use the operating MIC.	{MIC}

Date to which the Weekly Report refers	Field to be populated with the date corresponding to the Friday of the calendar week on which the position is held.	{DATEFORMAT}
Date and time of Publication	Field to be populated with the date and time on which the report is published on the trading venue's website.	{DATE_TIME_FORMAT}
Name of Commodity Derivative Contract, Derivative of Emission Allowance or Derivative thereof	Field to be populated with the name of the commodity derivative contract or Derivative of emission allowance or derivative thereof identified by the venue product code.	{ALPHANUM-350}
Venue product code	Field to be populated with a unique and unambiguous alphanumeric identifier utilised by the trading venue grouping together contracts with different maturities and strike prices in the same product.	{ALPHANUM-12}
Report status	Indication as to whether the report is new or a previous report is cancelled or amended. Where a previously submitted report is cancelled or amended, a report which contains all the details of the original report should be sent and the 'Report status' should be flagged as 'CANC'. For amendments a new report that contains all the details of the original with all necessary details amended should be sent and the 'Report status' should be flagged as 'AMND'.	'NEWT' — New 'CANC' — Cancellation 'AMND' — Amendment
Report type	Indication as to whether the report is the one combining positions on options and futures positions, or the one excluding options positions.	'COMB' — Report with futures and options combined 'FUTR' — Report excluding options

Number of positions	<p>Field to be populated with the aggregate quantity of open interest held on Friday at the end of the trading day. The quantity should be expressed either in number of lots (when the position limits are expressed in lots) or units of the underlying.¹⁸</p> <p>If the field “Report type” is equal to ‘COMB’, option contracts shall be included in the aggregation and reported on a delta-equivalent basis.</p> <p>If the field “Report type” is equal to ‘FUTR’, option contracts shall not be included in the aggregation.</p>	{DECIMAL-15/2}
Notation of the position quantity	<p>This field shall be populated with the units used to report the number of positions.</p> <p>For derivatives on electricity and natural gas, the quantity should be expressed in units of the underlying.</p> <p>For other derivatives, the quantity may should be expressed either in lots or in units of the underlying.</p>	<p>‘LOTS’ — if the position quantity is expressed in lots</p> <p>or</p> <p>{ALPHANUM 25} — a description of the units used if the position quantity is expressed in units of the underlying</p> <p>‘TOCD’ — tonnes of carbon dioxide equivalent, for any contract related to emission allowances</p> <p>‘TONE’ — metric tonnes</p> <p>‘MWHO’ — megawatt hours</p> <p>‘MBTU’ — one million British thermal units</p> <p>‘THMS’ — Therms</p> <p>‘DAYS’ — days</p> <p>or</p> <p>{ALPHANUM 4} otherwise</p>
Changes since the previous report (+/-)	<p>Field to be populated with the position quantity reflecting the increase or decrease in the position with respect to the previous Friday.</p> <p>In the case of a decrease in the position the number shall be expressed as a</p>	{DECIMAL-15/2}

¹⁸ This sentence is deleted from that field because it provides an explanation on the unit in which the position is expressed. Such explanation should be included in the subsequent field “Notation of the position quantity”.

	negative number prefixed with ‘-’ (minus).	
Percentage of the total open interest	Field to be populated with the percentage of the total open interest represented by the positions.	{DECIMAL-5/2}
Number of persons holding a position in each category	Field to be populated with the number of persons holding a position in the category. If the number of persons holding a position in the category is below the number specified in Commission Delegated Act in respect of Article 58(6) MiFID II ⁽¹⁾ , the field shall be populated with ‘.’ (full stop).	{INTEGER-7} or {ALPHANUM-1} if the field has to be populated with ‘.’ (full stop).
⁽¹⁾ Commission Delegated Regulation (EU) 2017/565 of 25 April 2016 supplementing Directive 2014/65/EU of the European Parliament and of the Council as regards organisational requirements and operating conditions for investment firms and defined terms for the purposes of that Directive (OJ L 87, 31.3.2017, p. 1).		

ANNEX II

Table 2 of Annex II to Implementing Regulation (EU) 2017/1093 is replaced by the following:

‘Table 2

Table of fields to be reported for all positions across all maturities of all contracts for the purposes of Article 2

FIELD	DETAILS TO BE REPORTED	FORMAT FOR REPORTING
Date and time of report submission	Field to be populated with the date and time on which the report is submitted.	{DATE_TIME_FORMAT}
Report reference number	Field to be populated with the unique identifier given by the submitter unambiguously identifying the report to both submitter and receiving competent authority.	{ALPHANUM-52}
Date of the trading day of the reported position	Field to be populated with the date on which the reported position is held at the close of the trading day on the relevant trading venue.	{DATEFORMAT}

Report status	<p>Indication as to whether the report is new or a previously submitted report is cancelled or amended.</p> <p>Where a previously submitted report is cancelled or amended, a report which contains all the details of the original report and using the original Report Reference Number should be sent and the 'Report status' should be flagged as 'CANC'.</p> <p>For amendments a new report that contains all the details of the original report and using the original Report Reference Number with all necessary details amended should be sent and the 'Report status' should be flagged as 'AMND'.</p>	<p>'NEWT' – New</p> <p>'CANC' – Cancellation</p> <p>'AMND' – Amendment</p>
Reporting entity ID	<p>The identifier of the reporting investment firm. Field to be populated with the Legal Entity Identifier code (LEI) for legal entities or {NATIONAL_ID} for natural persons not having an LEI.</p>	<p>{LEI}</p> <p>or</p> <p>{NATIONAL_ID} – Natural persons</p>
Position holder ID	<p>Field to be populated with the Legal Entity Identifier code (LEI) for legal entities or {NATIONAL_ID} for natural persons not having an LEI who are acting as private individuals that are not eligible for an LEI.</p> <p>(Note: if the position is held as a proprietary position of the reporting firm, this field shall be identical to field 'Reporting entity ID').</p>	<p>{LEI}</p> <p>or</p> <p>{NATIONAL_ID} – Natural persons</p>
Email address of position holder	<p>Email address for notifications of position-related matters.</p>	<p>{ALPHANUM-256}</p>
Ultimate parent entity ID	<p>Field to be populated with the Legal Entity Identifier code (LEI) for legal entities or {NATIONAL_ID} for natural persons not having an LEI who are acting as private individuals that are not eligible for an LEI.</p> <p>Note: this field may be identical to field 'Reporting entity ID' or 'Position holder ID' if the ultimate parent entity holds its own positions, or makes its own reports.</p>	<p>{LEI}</p> <p>or</p> <p>{NATIONAL_ID} – Natural persons</p>

Email address of ultimate parent entity	Email address for correspondence in relation to aggregated positions.	{ALPHANUM-256}
Parent of collective investment scheme status	Field to report on whether the position holder is a collective investment undertaking that makes investment decisions independently from its parent as set out by Article 4(2) of Commission Delegated Regulation (EU) 2022/1301 ^(*) .	‘TRUE’ – the position holder is a collective investment undertaking that makes independent investment decisions ‘FALSE’ – the position holder is not a collective investment undertaking that makes independent investment decisions
Identification code of contract traded on trading venues	Identifier of the commodity derivative or derivative of emission allowance or derivative thereof . See field ‘Trading venue identifier’ for treatment of OTC contracts that are economically equivalent to contracts that are traded on trading venues.	{ISIN}
Venue product code	Field to be populated with a unique and unambiguous alphanumeric identifier utilised by the trading venue grouping together contracts with different maturities and strike prices in the same product.	{ALPHANUM-12}
Trading venue identifier	Field to be populated with the ISO 10383 segment MIC for positions reported in respect of on-venue contracts. Where the segment MIC does not exist, use the operating MIC. Use MIC code ‘XXXX’ for off-venue positions in economically equivalent OTC contracts. Use MIC code ‘XOFF’ for listed derivatives or emission allowances traded off-exchange.	{MIC}
Position type	Field to report whether the position is in either futures, options, emission allowances or derivatives thereof or any other contract type.	‘OPTN’ – Options, including separately tradable options on FUTR or OTHR types, excluding products where the optionality is only an embedded element ‘FUTR’ – Futures ‘EMIS’ – Emission allowances and derivatives thereof ‘OTHR’ – any other contract type

Position maturity	Indication of whether the maturity of the contract comprising the reported position relates to the spot month or to all other months. Note: separate reports are required for spot months and all other months.	‘SPOT’ – spot month, including all positions in position types EMIS ‘OTHR’ – all other months
Position quantity	Field to be populated with the net position quantity held in the commodity derivative, derivatives of emission allowances or derivatives thereof expressed either in lots, when the position limits are expressed in lots, or units of the underlying. ¹⁹ This field should be populated with a positive number for long positions and a negative number for short positions.	{DECIMAL-15/2}
Notation of the position quantity	This field shall be populated with the units used to report the number of positions. For derivatives on electricity and natural gas, the quantity should be expressed in units of the underlying. For other derivatives, the quantity should may be expressed either in lots or in units of the underlying.	‘LOTS’ — if the position quantity is expressed in lots or {ALPHANUM 25} — a description of the units used if the position quantity is expressed in units of the underlying ‘TOCD’ — tonnes of carbon dioxide equivalent, for any contract related to emission allowances ‘TONE’ — metric tonnes ‘MWHO’ — megawatt hours ‘MBTU’ — one million British thermal units ‘THMS’ — Therms ‘DAYS’ — days or {ALPHANUM 4} otherwise
Delta equivalent position quantity	If the Position Type is ‘OPTN’ or an option on ‘EMIS’ , then this field shall contain the delta-equivalent quantity of the position reported in the ‘Position Quantity’ field. This field should be populated with a positive number for long calls and short puts and a negative number for long puts and short calls.	{DECIMAL-15/2}

¹⁹ This sentence is deleted from that field because it provides an explanation on the unit in which the position is expressed. Such explanation should be included in the subsequent field “Notation of the position quantity”.

Indicator of whether the position is risk reducing in relation to commercial activity	Field to report whether the position is risk reducing in accordance with Article 7 of Delegated Regulation (EU) 2022/1302 ⁽¹⁾ 1301 .	‘TRUE’ – the position is risk reducing ‘FALSE’ – the position is not risk reducing
<p>(¹) Commission Delegated Regulation (EU) 2022/1302 of 20 April 2022 supplementing Directive 2014/65/EU of the European Parliament and of the Council with regard to regulatory technical standards for the application of position limits to commodity derivatives and procedures for applying for exemption from position limits (OJ L 197, 26.7.2022, p. 52).</p> <p>Commission Delegated Regulation (EU) 2022/1301 of 31 March 2022 amending the regulatory technical standards laid down in Delegated Regulation (EU) 2020/1226 as regards the information to be provided in accordance with the STS notification requirements for on balance sheet synthetic securitisations (OJ L 197, xx.xx.2022, p. 10).</p>		

4.3 Annex III – Summary of Questions

Question 1: Do you agree with ESMA’s proposal to extend the requirements to set, review and report accountability levels to trading venues trading derivatives on emission allowances? Do you have any other comments on ESMA’s proposed amendments? Please elaborate.

Question 4: Do you foresee any challenges with the use of JSON format comparing to XML? Please provide estimates of the costs and benefits (short- and long term) related to potential transition to JSON?

Question 5: Do you agree with the other proposals to change ITS 4? Please use the reference number in the table above to provide comments on a specific proposal. In relation to the proposed change 5, are there other units of underlying to be added to the existing list including for reporting the information on emission allowances? In relation to the proposed change 7, are there other position types that should be added to provide more granular reporting, beyond the existing (futures, options and other)? In relation to the proposed change 8, do you foresee any scenarios in which the possibility to use the National ID should be retained?

Question 6: Do you support the draft Technical Advice related to Article 83 of CDR 2017/5654?