



– Consultation Response –

ESMA's consultation on Streamlining financial transaction reporting

Brussels, 19 September 2025 | Europex welcomes the opportunity to respond to ESMA's consultation on Streamlining financial transaction reporting.

Q1: Do stakeholders agree with the description of the key challenges outlined above? Is there any other issue linked to multiple regulatory regimes with duplicative or inconsistent requirements that is not reflected in this section? Out of the 10 sources of costs identified in this section and the ones that you may add, what are the three main cost drivers in your view?

Europex fully supports ESMA's initiative to simplify reporting arrangements and agrees with the description of the key challenges outlined under section 3. Energy derivatives exchanges and clearing houses deliver similar data to different authorities, including because of overlapping financial and energy reporting requirements, causing inefficiencies in the reporting of orders, transactions and positions and imposing a disproportionate burden on the industry. We call for a stepwise approach based on improving data sharing between authorities, followed by a comprehensive data analysis and strategy, based on an impact assessment and a cost benefit analysis. Therefore, ideally, this Call for Evidence forms part of an extensive data strategy and evaluation of obligations across legislative acts and authorities regarding energy derivatives. In addition to the significant costs of this regulatory burden on the industry highlighted by ESMA, Europex emphasizes the global nature of energy derivatives markets, and the adverse impact overregulation can have on the competitiveness of European derivatives markets and on progress toward establishing a fully functioning Savings and Investment Union (SIU).

1. Key challenges identified by ESMA

Europex agrees with the description of the key challenges outlined under section 3.

In addition, Europex regards *Duplicative reporting of the same derivative instruments under MiFIR, EMIR, and REMIT* to be the key challenge:

As correctly identified by ESMA, there exist inefficiencies in the arrangements for reporting of orders, transactions and positions in European energy derivatives markets that arise from the overlapping and duplicative European regulatory frameworks for financial regulation and energy policy.

The overlapping requirements under the order, transaction, and position reporting frameworks stem from the cumulative application of EMIR, MiFID/R, MAR and REMIT which results in the redundant submission of the same activities. Overall, European gas and power derivatives are reported up to five times across different reporting arrangements, each with varying formats imposing a disproportionate and unnecessary burden on the industry. This goes beyond the financial transaction reporting as examined within the current Call for Evidence.

Specifically, in order and transaction reporting:

- EMIR Article 9(1) mandates that all cleared transactions be reported by counterparties and CCPs to trade repositories.
- MiFIR Article 26 requires investment firms and trading venues to report all executed transactions to national competent authorities (NCAs).
MiFIR Article 27(1) requires trading venues to report all executed transactions to ESMA.
- REMIT Article 8 requires market participants and Organised Market Place (includes MiFID trading venues) to report all orders and executed transactions to Registered Reporting Mechanisms.

In position reporting, the following requirements exist:

- EMIR Article 9 requires daily reporting of derivative exposures.
- MiFID II Article 58 requires daily reporting of end-client positions by investment firms and trading venues to National Competent Authorities.
- REMIT Article 8 requires market participants to report positions to ACER.

2. Further aspects linked to the cumulative application of REMIT, EMIR and MiFID/R

As a general rule, duplicative requirements should not be put upon data and instruments which already subject to existing (financial) legislation. Instead, regulators should have the ability to share and leverage existing data to avoid duplication. We encourage an identification of the types of data collected, from which institutions (ESMA, ACER, NRAs, NCAs) and the feasibility of sharing this data. The scope which the reported data serves for the respective institutions and how this can best be optimised should be considered, with the aim of improving reporting efficiency, data accessibility and regulatory oversight.

Europex wants to add to the ESMA analysis of *“Duplicative reporting of the same derivative instruments under MiFIR, EMIR, and REMIT”* that derivatives transactions falling under those regimes are not only reported according to the afore mentioned legal frameworks: MAR Article 23 (2) allows NCAs to request data from trading venues, transactions and instrument data. This further adds to the reporting burden/complexity.

Last, given that transactions in European gas and power derivatives are reported five times across different reporting arrangements, each with varying formats, Europex notes that this also complicates European supervisors' ability to effectively analyze data collected through these disparate channels.

3. Cost drivers

From a cost perspective, Europex views the following issues to be the main root causes for disproportionate costs faced:

- a) Frequent regulatory changes and lack of flexibility to enable a phased implementation, synchronisation and coordination of the changes in the different reporting regimes.

A key issue driving up reporting costs is the fragmented design of reporting frameworks. The piecemeal development of and frequent – unaligned - updates to regulations, require constant operational adjustments - resulting in elevated and persistent compliance costs. In addition to this, inconsistent terminology across regulations for the same data points increases implementation costs and raises the risk of misinterpretation, complicating compliance efforts.

- b) Running costs stemming from duplication of IT systems/processes and duplicative reporting channels

The *Duplicative reporting of the same derivative instruments under MiFIR, EMIR, and REMIT* outlined above has resulted in different reporting channels , IT systems and processes across the reporting frameworks which increase complexity and cost.

Consolidation of data flows – or harmonisation of terminology and definitions - could alleviate these kinds of avoidable costs stemming from, for example, the maintenance of several technical interfaces.

Q2: Do stakeholders agree with the proposed principles and related description? Is there any other aspect/principle that should be considered?

Europex supports the proposed principles and offers additional detail to enhance them, along with suggestions for further principles outlined below.

1. ‘Preserve Information Scope’

Europex stresses that simplification of financial transactions reporting should by no means endanger the robustness of supervision of European energy markets participants. However, we invite ESMA to consider whether all requirements are strictly necessary for authorities to perform their duties. As evidenced in this call for evidence, the current reporting frameworks has undoubtedly created unnecessary duplications and disproportionate “red tape”.

Europex would support a statutory mandate to promote efficient, targeted, and proportionate reporting processes, ensuring that data collection supports effective and meaningful supervision. The EU should in this context draw inspiration from other jurisdictions that have found a more balanced approach (see also below under 3: “Ensuring global alignment”).

Specifically:

Access to information should be aligned with the legally defined supervisory responsibilities of each authority. Data sharing amongst authorities should be enhanced, but in a targeted manner so that data is shared on a need-to-know basis and in line with established mandates.

Supervisory expectations should remain consistent with the underlying regulatory framework, avoiding the addition of requirements that go beyond the scope of the original legislation ("gold plating"). This could for example be achieved by the use of regulations instead of directives, clear guidance from ESMA and regular peer reviews performed by ESMA.

Regulators should make full and effective use of the data already available to them when conducting investigations and analysis. It is important that supervisory activities are based on complete and relevant data, particularly where such information has been provided by industry through mandated reporting channels.

For any future reform, Europex stresses that the unnecessary expansion of reporting fields should be avoided in order to prevent scope extension. We further call for a thorough review of existing requirements, with the removal of data elements that do not serve the objectives of their respective regimes. For example, whilst REMIT aims to ensure integrity and transparency on energy wholesale markets including detailed information on the delivery of power and gas products, this same information is of less relevance under EMIR, which services to monitor systemic risks.

Aligning reportable fields strictly with the purpose of each framework will ease the reporting burden on industry while still ensuring regulators receive the information they need for effective oversight. This targeted approach would also enhance data quality, as market participants would be able to concentrate on the core elements that truly matter. We also encourage ESMA to reduce operational and technical complexity where possible (e.g. regarding file formats, validation checks and processes and physical connections).

2. 'Decrease overlaps to reduce reporting burden'

Europex recommends requiring data to be reported only once (single-sided) and sourced from the party best placed to provide it, ensuring efficiency and data quality across the reporting framework.

As noted above, this can be coupled with increased data sharing between supervisory authorities on a need-to-know basis, and through leveraging existing infrastructure. ESMA might consider whether a central and secure access point, would merit competent authorities to access the necessary information as appropriate.

3. 'Ensuring global alignment'

Europex also fully supports the principle of ‘ensuring global alignment’, as commodity derivatives markets are inherently global and operate under significant competitive pressure. In this context, the application of REMIT to financial instruments is one example of a regulatory outlier.

4. ‘Balancing Cost and Benefit’

In relation to the principle of ‘Balancing Cost and Benefit,’ Europex suggests clarifying that transaction reporting should focus on data readily available to the reporting entity. For instance, trading venues may sometimes receive incomplete or inaccurate data from market participants, leading to difficulties in completing reporting streams.

In addition, Europex highlights that existing relief mechanisms intended to introduce proportionality can be impractical in practice. For example, REMIT allows firms to forgo reporting if the event has already been reported under EMIR or MiFIR. However, since trading venues typically only report trades (not orders) under these frameworks, applying the relief would result in orders being reported but not all trades. This creates administrative complexity for reporters and makes it more difficult for supervisors to obtain a comprehensive view of the market.

Q3: What are the key advantages of option 1a and how do these benefits address the issues in section 3?

Europex believes that the key advantage of Option 1a will be the removal of duplication of reporting across regimes. Through a clear delineation of the instrument types reportable under either EMIR and MiFIR, a single transaction in a specific type of instrument will only be reported once. In addition, the move to single sided reporting for EMIR, which is suggested in Option 1a, will help ensure that fewer reports are submitted and managed. Option 1a furthermore has the simplest scope and the easiest implementation of the four options, both from a technical and political perspective.

Q4: What are the key limitations and potential risks of option 1a? For example, do you consider the adaptation of the emir template to cover the data points used for market abuse surveillance as meeting the general objective of reducing the reporting burden, and why?

Key limitations are that this option is limited in scope and for example doesn’t address the overlaps in financial regulation and energy policy as described above. Burden relief could be increased by adding further ‘low hanging fruit’ simplification options which do not require major investments in infrastructure by trading venues or market participants.

Europex also stresses that, to fully capture the benefits of Option 1a, ESMA should carefully reassess and refine the reporting fields in EMIR (for OTC derivatives) and MiFIR (for ETDs). Simply transferring all existing fields from MiFIR to EMIR (or vice versa) would create unnecessary duplication and add complexity. Instead, this process should be seen as an opportunity for ESMA to take an ambitious approach to streamlining reporting, eliminating redundancies, and enhancing both the relevance and quality of the data provided to regulators.

Q5: What components are missing or not adequately addressed in option 1a? Why are these elements important, and how might their inclusion change the evaluation or implementation of option 1a?

Option 1a aims to address the duplication of reporting in MiFIR and EMIR. It should be expanded to the other regimes named above (REMIT, MAR).

Option 1b: Delineation by events

Q6: What are the key advantages of option 1b and how do these benefits address the issues in section 3?

We favour the approach of delineation by instrument over the option of delineation by events as proposed in option 1b.

Option 1b could only lead to a reduction of reporting burden for market participants as it removes overlapping reporting obligations, currently causing duplicative reporting of the same derivative instruments under MiFIR and EMIR.

Pre-condition is however that a clear distinction between MiFIR (Transactions in derivatives (OTC and ETD)) and EMIR (post-trade events of derivatives (OTC and ETD)) is drawn. More specifically, the focus under EMIR needs to be following its original goal, which is to address post-trade exposures and risks in derivatives. EMIR should hence include valuation, collateral and margin determination of exposures between participants. A day trader with zero end of day position should thus be out of scope. Equally, trading volume (that creates and modifies the exposures) should not fall under EMIR. Only then would option 1b lead to tangible improvement.

Q7: What are the key limitations and potential risks of option 1b?

Option 1b is more complicated to implement and operationally manage than Option 1a. It seems that Option 1b links post-trade events under EMIR to the transaction reported under MiFIR. This will be a more complex and costly process to manage compared to a transaction being submitted to one regime only. Many post trade events are trade specific, e.g. give ups and novations, as such it may prove very challenging to report these events when the initial trade being given up or novated is not present in the reporting data set.

Q8: What components are missing or not adequately addressed in option 1b? Why are these elements important, and how might their inclusion change the evaluation or implementation of option 1b?

Option 2a: Report once principle: MiFIR, SFTR and EMIR

Q9: What are the key advantages of option 2a and how do these benefits address the issues in section 3?

Europex supports the general approach to aligning the reporting requirements to achieve greater consistency. Ideally, any transaction, order or position in energy derivatives markets

would be reported once. However, as detailed in Question 10, this needs to be addressed with caution.

The key advantage of Option 2a is that it significantly reduces the duplications that create inefficiencies within the system as each transaction would only be reported once under a single template. Report once will significantly reduce the reporting burden.

As Option 2a proposes one single set of reporting rules (which the Call for Evidence proposes to be MiFIR), it can be expected that it will be simpler for firms to manage the reporting process. As outlined in response to question Q11. Duplication of reporting streams in energy derivatives markets currently go well beyond MiFIR and EMIR, also encompassing REMIT, MiFID and MAR. Therefore, we encourage ESMA to treat this Call for Evidence as part of more strategic data strategy and evaluation of obligations across legislative acts and authorities regarding energy derivatives.

Q10: What are the key limitations and potential risks of option 2a?

Whilst we see a theoretical benefit in aligning standards and protocols, Europex warns that the move to a single reporting format that will incorporate data points from EMIR and SFTR into MiFIR is expected to be a complicated move as there are fundamental differences in the types of instruments and events that are reportable under MiFIR, EMIR and SFTR and a single reporting framework. Transitioning each reporting requirements into an aligned standard requires a specific and burdensome technical implementation.

A uniform template needs to be carefully designed to address all of them effectively. It needs to be avoided that numerous additional fields will be merely added to the existing MiFIR reports, as this would blur the distinction between the scope of MiFIR and other reporting regimes. As part of this, it may be necessary to evaluate what simplification and corrections should be addressed first, and whether these can be achieved with greater internal coordination and sharing amongst regulators.

In addition, other burdensome implementation efforts should be carefully considered. For example. Without a unifying identification framework it may prove very challenging to link T0 and post trade events. For example the regime would want a single transaction ID rather than the current practice of UTIs, Transaction Reference Numbers and TVTICs.

Q11: What components are missing or not adequately addressed in option 2a? Why are these elements important, and how might their inclusion change the evaluation or implementation of option 2a?

An additional element that could contribute to streamlining of reporting under option 2a is increased data sharing between supervisory authorities.

To ensure it is effective and fit for purpose, any implementation of a common template should only be pursued through a structured, transparent, and collaborative process that actively involves the reporting industry. This should include clearly defined objectives, iterative engagement through working groups and technical workshops, and a joint

assessment of critical data elements based on supervisory relevance and reporting feasibility.

As noted above, duplication of reporting streams in energy derivatives markets currently go well beyond MiFIR and EMIR, also encompassing REMIT, MiFID and MAR. Therefore, we encourage ESMA to treat this Call for Evidence as part of more strategic data strategy and evaluation of obligations across legislative acts and authorities regarding energy derivatives.

If not included, any overhaul will not most efficiently address the reporting burden in energy derivatives markets.

Option 2b: Report once principle extended

Q12: What are the key advantages of option 2b and how do these benefits address the issues in section 3? What regimes should be included in such an option beyond EMIR, MiFIR and SFTR?

As proposed in option 2a of the ESMA call for evidence, Europex supports exploring consolidating reporting within the current structure of the MiFIR reporting framework. This should be carefully assessed however, and it should be avoided that investment costs become exuberant or that any other unintended regulatory consequences transpire.

Integrating a report-once principle would ultimately increase Europe's competitiveness.

Q13: What are the key limitations and potential risks of option 2b?

The more regimes that are included the more complex the single framework might be, which just illustrates scale of the regulatory burden. Europex warns that the move to a single reporting format needs to be carefully calibrated as there are fundamental differences in the types of instruments and events that are reportable under the various reporting frameworks. Any uniform template needs to be carefully designed to address all of them effectively. It needs to be avoided that numerous additional fields will be inserted into the existing Article 26 MiFIR reports that will blur the distinction between the scope of MiFIR and the other reporting regimes (such as EMIR and SFTR as suggested by ESMA).

Europex also suggests to involve energy regulators in the overhaul to ensure the creation of a comprehensive and coherent framework. Europex observes that ACER is currently drafting a significant expansion in the structure of REMIT reporting, which, rather than work toward the Commission burden reduction ambition, will lead to a significantly increased reporting burden. To ensure an effective overhaul, Europex asks the European Commission and ESMA to involve ACER in the simplification exercise, and for ACER to follow ESMA's approach to pause their current approach at least partly.

Q14: What components are missing or not adequately addressed in option 2b? Why are these elements important, and how might their inclusion change the evaluation or implementation of option 2b?

The option should include order and trade reporting to NCAs under MAR. As explained above, MAR reporting is part of the reporting framework applicable in the context of energy derivatives markets.

Option prioritisation

Q15: Which of the two main options (1. “removal of duplication in current frameworks” or 2. “report once”) and related sub-options identified do you believe should be prioritised, and why?

Ideally, any transaction, order or position would be reported once. Europex thus encourages policy makers to take a long-term perspective and work towards such an approach as indicated under options 2 - whilst carefully taking into consideration the concerns expressed above.

However, we are aware that such a comprehensive overhaul will take time and should only be pursued in a careful manner with close involvement of industry stakeholders.

We believe that a pragmatic approach would be to start with data-sharing between authorities. Whilst policy makers work on a strategic approach to burden reduction in the regulatory framework of energy derivatives, we encourage the facilitation of data-sharing amongst supervisory authorities and to avoid adding any new – potentially duplicative – requirements in the meantime.

In addition, meanwhile, overlapping data requirements and reports are being streamlined as much as possible such as proposed under Option1a. Ideally, the exercise encompasses MiFIR/EMIR/REMIT and MAR to properly address the regulatory reporting issues in energy derivatives markets. We suggest to avoid option 1b.

Europex proposes for EU policy makers to start with the elimination of unnecessary trade reporting requirements in the short term. Concretely, we suggest removing the requirement to report trades under EMIR (similar to what is proposed under option 1a), as it has been superseded by MiFIR’s transaction reporting requirements.

The daily reporting of exposures under EMIR should continue. The widespread daily reporting of MiFIR order data should be standardised and RTS 22 (transaction reporting) and RTS 24 (order retention and now reporting) should be reviewed to remove the current duplication. These changes would offer immediate relief to the industry and ensure data availability for European supervisors is not compromised. It would also enable the Commission to swiftly achieve its objective of reducing the reporting burden by 25 percent.

Other low-hanging fruit options include, for example, deletion of detailed information on the delivery of power and gas products under EMIR.

Q16: Are there any additional options that should be considered on top of option 1 and 2? For example, do you identify other potential intermediate solutions, combinations of elements from the identified options, or phased approaches? If so, what are their main characteristics, the reasons for considering them, and the key advantages they would bring?

Additional cost reduction considerations

Q17: Should the reporting channels, and flows be modified to ensure consistent reporting, and if so, how? Under which option/s do you consider these changes should be implemented?

While the consolidation of reporting channels and flows could be expected to reduce complexity, minimise the risk of inconsistent data submissions, and alleviate the operational burden on reporting entities, further consideration can be considered.

Transitioning to a central body for data collection should start with directing the existing files to a different location, rather than requiring changes in data format. Ideally the collecting body should have the facility to process both EMIR ,MiFID/MiFIR and REMIT data.

Europex believes that by centralizing the mechanism for consolidating data, supervision would be improved for the following reasons:

- It would be easier for NCAs to access all orders and transactions effected on the markets they supervise. The legacy system fragments this information in reporting it to Home Regulators, not Host Regulators.
- Improvements in data quality would benefit all users of the data.

Europex believes the aim should be to transition to the described mechanism should be pursued for all the options presented by ESMA.

Q18: In this regard, and based on the current order book requirements for trading venues and the availability of information, what are the advantages and disadvantages of transferring the reporting of on-venue transactions under MiFIR and EMIR to trading venues?

The reporting channels ideally follows the primary source principle: entities owning the information should report the it. Further transferring of reporting of this information under MiFIR and EMIR to trading venues would put additional administrative burden on trading venues, especially in those cases where they do not directly have access to the required information.

The current requirement for trading venues to retain order data under MiFIR means that they have to capture almost all the data that is needed to transaction report yet they are only required to report when their member is not (i.e. the member is not a MiFID investment firm). This actually requires more work as they have to maintain strict data on the MiFID investment firm status of all their members.

Q19: Additionally, what are your views on enhancing ESMA role as data hub by developing a framework where entities would report consistent and harmonised data directly to ESMA? Should this option consider direct reporting to ESMA coupled with EU and national authorities' access to the centrally held data, eliminating multiple submissions?

As noted above, Europex supports a streamlined reporting framework and highlights that improved data sharing between supervisory authorities would enhance efficiency and fostered improved coordination.

In general, Europex believes that single reporting to a central agency may be an efficient option, see above under Q17. Due note should be taken of the need-to-know principle and the necessary resources for the interpretation of data which may not stem from the regulations enforced by a specific regulatory authority.

Q20: In the case of centralisation of reporting, please expand on the advantages and disadvantages as well as the implementation challenges and opportunities? Under this scenario, what additional elements should be considered (i.e. Operational aspects, technical implementation, etc.)

Please see above.

Q23: Would you consider the modification of reporting frequency useful under the general objective of reducing the reporting burden, and why? What would be the specific proposals in this regard?

Europex believes that reducing the number of data points would provide more benefits than changing the frequency.

Q24: Proportionality measures: how do you consider proportionality can be taken into account in the context of burden reduction in regulatory reporting? What specific measures would you propose and how would you quantify their impact?

As a general principle, Europex generally supports that the regulatory burden should be proportionate to the complexity of the business

About

Europex is a not-for-profit association of European energy exchanges with 37 members. It represents the interests of exchange-based wholesale electricity, gas and environmental markets, focuses on developments of the European regulatory framework for wholesale energy trading and provides a discussion platform at European level.

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EU Transparency Register: 50679663522-75