

Targeted consultation on integration of EU capital markets – Part 1

Fields marked with * are mandatory.

For technical reasons, the questionnaire has been divided into 2 parts.

This is part 1

Part 2 on **horizontal barriers to trading and post-trading infrastructures, asset management and funds, supervision, and horizontal questions on the supervisory framework** is available here:

[Respond to part 2](#)

Also note that the **question numbering might differ compared to the original pdf version** of the consultation document published on 15 April.

Introduction

Implementation of the [savings and investments union \(SIU\) strategy](#), as presented in the **Commission Communication of 19 March 2025**, is a top priority of the Commission. The [SIU](#) will be a key enabler of wider efforts to boost competitiveness in the EU economy by improving the way the EU financial system mobilises savings for productive investment, thereby creating more and better financial opportunities for citizens and businesses.

The development and integration of EU capital markets should be a market-driven process, but various barriers to that market-driven process must first be removed. Despite the harmonisation of regulatory frameworks and the existence of financial services passports, the persistent fragmentation due to these barriers is limiting the potential benefits of the EU's single market. Financial-market participants cannot fully benefit from scale economies and improved operational efficiency, or are not adequately incentivised to facilitate cross-border investments, raising the costs and restricting the choice of financial services available to businesses and citizens. By delivering better and cheaper financial services, the SIU will be a key element in boosting economic competitiveness.

More integrated and modernised EU capital markets should also allow us to explore and benefit from technological developments and innovation. The use of newer generation technologies such as distributed ledger technology, tokenisation of financial instruments, will allow us to empower our capital markets and equip them for the opportunities and challenges ahead.

The Communication on the SIU announced legislative proposals in the fourth quarter of 2025 to remove barriers to cross-border trading and post-trading, cross-border distribution of investment funds and cross-border operations of asset managers. This reflects [President von der Leyen's mission letter to Commissioner Albuquerque](#), which includes the task to “*explore further measures to [...] promote scaling up of investment funds, and remove barriers to the consolidation of stock exchanges and post-trading infrastructure*”. To this end, the Commission has already launched external studies to identify barriers affecting the consolidation of trading and post-trading infrastructures and the scaling up of investment funds in the EU. These barriers include those of an economic, legal (at national and EU level), technological, behavioural and operational nature.

Divergences in supervisory practices can also act as a specific barrier to capital-market integration, as financial-market participants operating across borders must manage different requirements across the single market. Accordingly, any strategy to integrate EU capital markets naturally leads to the need for more efficient and harmonised supervision. The aforementioned studies also seek to identify barriers to integration that are linked to supervision and the Commission will propose legislative measures in the fourth quarter of 2025 to strengthen supervisory convergence and to transfer certain supervisory tasks for capital markets to the EU level.

As part of implementing the SIU strategy, this targeted consultation seeks stakeholders' feedback on several issues and possible measures, legislative or non-legislative on 2 main areas:

- barriers in general to the integration and modernisation of trading and post-trading infrastructures, the distribution of funds across the EU and efficient cross-border operations of asset management
- and barriers specifically linked to supervision

In line with the [simplification communication](#), simplification will underpin all efforts to implement the SIU strategy and respondents are invited to indicate any areas in which regulatory simplification would be appropriate.

As a swift action is required under the savings and investments union strategy to untap EU enormous potential and give it the means to secure its economic future, this consultation must be completed within eight weeks. It is acknowledged that this consultation is extensive and to the extent that not all questions will be relevant to all stakeholders, respondents are invited to reply only to those questions that are most relevant to them.

Responding to this consultation

In this targeted consultation, the Commission is interested in the views of a wide range of stakeholders. Contributions are particularly sought from financial institutions and other markets participants, national supervisors, national ministries, the ESAs, EU institutions, non-governmental organisations, think tanks, consumers, users of financial services and academics. Market participants include operators and users of trading and post-trading infrastructures in the EU, notably trading venues, broker-dealers, issuers, institutional and retail investors, clearing counterparties (CCPs), central securities depositaries, trade repositories, other financial market infrastructure operators, asset managers, investment funds, regardless of where they are domiciled or where they have established their principal place of business.

This consultation should be seen as a distinct exercise from any targeted queries received by relevant stakeholders in relation to the currently ongoing external studies to identify barriers affecting the consolidation of trading and post-trading infrastructures and the scaling up of investment funds in the EU.

Responses to this consultation are expected to be most useful where issues raised in response to the questions are supported with a clear and detailed narrative, evidenced by data (where possible), concrete examples, legal references and qualitative evidence, and accompanied by specific suggestions for solutions to address them in the Regulation.

Urgent action is required to address persistent fragmentation that limits the benefits to be gained from the EU's single market and contribute to secure EU's prosperity and economic strength. All interested stakeholders are invited to reply by 10 June 2025 at the latest to the online questionnaires below.

Please note that to ensure a fair and transparent consultation process only responses received through the online questionnaires will be taken into account and included in the report summarising responses.

Recognising the comprehensive nature of this consultation, it has been decided to divide it into six key topics: simplification, trading, post trading, horizontal barriers to trading and post-trading, asset management and funds and supervision. This approach aims to streamline the response process and ensure each aspect is thoroughly addressed, thereby making it more manageable for respondents to engage with and contribute their insights effectively. By organising the consultation in this manner, the aim is to encourage detailed and focused feedback on each specific area, ultimately leading to a more robust and inclusive dialogue.

Please note: In order to ensure a fair and transparent consultation process **only responses received through our online questionnaire will be taken into account** and included in the report summarising the responses. Should you have a problem completing this questionnaire or if you require particular assistance, please contact fisma-markets-integration-supervision@ec.europa.eu.

More information on

- [this consultation](#)
- [the consultation document](#)
- [savings and investments union](#)
- [the protection of personal data regime for this consultation](#)

About you

* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐

- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* I am giving my contribution as

- ☐ Academic/research institution
- ☒ Business association
- ☐ Company/business
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen
- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☐ Other

* First name

Gianluigi

* Surname

Gugliotta

* Email (this won't be published)

amfitalia@amfitalia.org

* Organisation name

255 character(s) maximum

AMF Italia - Associazione Intermediari Mercati Finanziari

* Organisation size

- ☒ Micro (1 to 9 employees)
- ☐ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

613060211547-05

* Country of origin

Please add your country of origin, or that of your organisation.

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| ○ Bangladesh | ○ French Southern and Antarctic Lands | ○ Moldova | ○ South Georgia and the South Sandwich Islands |
| ○ Barbados | ○ Gabon | ○ Monaco | ○ South Korea |
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| ○ Bhutan | ○ Greenland | ○ Myanmar/Burma | ○ Svalbard and Jan Mayen |
| ○ Bolivia | ○ Grenada | ○ Namibia | ○ Sweden |
| ○ Bonaire Saint Eustatius and Saba | ○ Guadeloupe | ○ Nauru | ○ Switzerland |
| ○ Bosnia and Herzegovina | ○ Guam | ○ Nepal | ○ Syria |
| ○ Botswana | ○ Guatemala | ○ Netherlands | ○ Taiwan |
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| ○ British Virgin Islands | ○ Guyana | ○ Niger | ○ The Gambia |
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- ☐ Democratic Republic of the Congo
- ☐ Denmark
- ☐ Lesotho
- ☐ Liberia
- ☐ Saint Helena
Ascension and
Tristan da Cunha
- ☐ Saint Kitts and Nevis
- ☐ Saint Lucia
- ☐ Zimbabwe

* Field of activity or sector (if applicable)

- ☐ Auditing
- ☐ Central bank
- ☐ Central Counterparty (CCP)
- ☐ Central Securities Depository (CSD)
- ☐ Clearing house
- ☐ Credit institution
- ☐ Credit rating agency
- ☐ Energy trading company (non-financial)
- ☐ European supervisory authority
- ☐ Insurance
- ☒ Investment firm
- ☐ Investment management (e.g. hedge funds, private equity funds, venture capital funds, money market funds, securities)
- ☐ Market infrastructure operation (except CCPs, CSDs, stock exchanges)
- ☐ Member State Authority other than a national supervisory authority
- ☐ Multilateral development bank
- ☐ National supervisory authority
- ☐ Organisation representing European consumers' interests
- ☐ Organisation representing European retail investors' interests
- ☐ Pension provision
- ☐ Public authority
- ☐ Publicly guaranteed undertaking
- ☐ Settlement agent
- ☐ Stock exchange
- ☐ System operator
- ☐ Technology company
- ☐

Other

☐ Not applicable

The Commission will publish all contributions to this targeted consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') is always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☐ **Anonymous**

Only the organisation type is published: The type of respondent that you responded to this consultation as, your field of activity and your contribution will be published as received. The name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☒ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

Select the topics

To the extent that not all questions will be relevant to all stakeholders, respondents are invited to reply only to those questions that are most relevant to them within the questionnaires they have chosen to respond to.

Choose the section(s) you want to respond to:

- ☒ 1. Simplification and burden reduction
- ☒ 2. Trading
- ☒

3. Post-trading

For technical reasons, the questionnaire has been divided into 2 parts.

This is part 1

Part 2 on **horizontal barriers to trading and post-trading infrastructures, asset management and funds, supervision, and horizontal questions on the supervisory framework** is available here:

[Respond to part 2](#)

Also note that the **question numbering might differ compared to the original pdf version** of the consultation document published on 15 April.

1. Simplification and burden reduction

The focus of this targeted consultation is to remove barriers to enhance the integration of the EU capital markets and to support their modernisation. By doing so, it will contribute to simplify the framework of EU capital markets and support the Commission's initiative to make Europe faster and simpler. This section seeks stakeholders' view on general questions regarding simplification and burden reduction of the EU regulatory framework in the trade, post-trade and asset management and funds sectors. Respondents are asked to provide concrete examples to support answers provided, and, where possible, quantitative and qualitative information.

Question 1. Is there a need for greater proportionality in the EU regulatory framework related to the trade, post-trade, asset management and funds sectors?

- ☐ 1 - Strongly agree
- ☒ 2 - Agree
- ☐ 3 - Neutral
- ☐ 4 - Disagree
- ☐ 5 - Strongly disagree
- ☐ Don't know / no opinion / not applicable

Question 1.1 Please explain your answer to question 1 and provide suggestion on what form it should take:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

AMF Italia members strongly support the need for greater proportionality in the EU regulatory framework, particularly in the areas of trade, asset management, and investment services. The principle of

proportionality is essential to ensure that regulation is effective without imposing unnecessary burdens, especially on small and mid-sized market participants.

In the trading sector, the lack of proportionality has contributed to increasing market concentration, with a shrinking number of intermediaries - particularly brokers - able to sustain the high costs of compliance, technology, and reporting obligations. This trend reduces competition and diversity in the provision of execution services, potentially harming market access and investor choice.

In the post-trade space, however, the priority is less about proportionality and more about enhancing coordination, harmonisation, and operational alignment, particularly among central securities depositories. AMF Italia members note persistent inconsistencies in how CSDs interpret and apply regulatory requirements, which leads to fragmentation, inefficiencies, and operational risk in cross-border post-trade processes. Addressing this issue would significantly improve the overall functioning of EU capital markets. Given the above, our members would like to propose some improvements such as: (i) the introduction of proportionality thresholds (e.g., based on size, activity, or risk) for reporting, capital, and governance requirements, (ii) the streamlining of reporting frameworks across sectors to reduce duplication and improve efficiency, (iii) the enhancement of supervisory convergence, (iv) in the post-trade area, mandate for a greater coordination and standardisation among CSDs to ensure consistent application of rules across Member States. Overall, improving proportionality and simplifying compliance processes would strengthen the EU capital markets by supporting broader participation, reducing costs, and preserving financial stability.

Question 2. In particular, in relation to question 1 above, should the [Alternative Investment Fund Managers Directive \(AIFMD\)](#) threshold for sub-threshold AIFMs take into consideration for instance the market evolution and/or the cumulated inflation over the last 10-15 years?

- ☐ 1 - Strongly agree
- ☐ 2 - Agree
- ☐ 3 - Neutral
- ☐ 4 - Disagree
- ☐ 5 - Strongly disagree
- ☐ Don't know / no opinion / not applicable

Question 3. Would you see a need for introducing greater proportionality in the rules applying to smaller fund managers under AIFMD?

- ☐ 1 - Strongly agree
- ☒ 2 - Agree
- ☐ 3 - Neutral
- ☐ 4 - Disagree
- ☐ 5 - Strongly disagree
- ☐ Don't know / no opinion / not applicable

Question 3.1 Please explain and provide suggestion on what form it should take, indicating if possible estimates of the resulting cost savings:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Directive 2024/927 (so called “AIFMD 2”) will no longer allow closed-ended AIF to apply exclusively an “originate-to-distribute” strategy, to avoid that the fund does not substantially hold any credit position but act only as a pass-through.

Although the rationale of the introduced limitation is understandable, the uncertainty arising from the adverb “exclusively” is directing the asset management market to the complete elimination of the “originate-to-distribute” strategy, which however has the merit of attracting those ultimate investors who are inclined to purchase securitisation notes rather than fund units or shares.

Our members would therefore recommend introducing certain clarifications of the scope of the limitation and of the residual admissibility of that strategy at level two regulations, including criteria supporting its maintenance (although not in an exclusive fashion), before the entry into force on 16 April 2026.

Question 4. Are there any barriers that could be addressed by turning into a Regulation (certain provisions of) the

- [Alternative Investment Fund Managers Directive \(AIFMD\)](#)
- [Financial Collateral Directive \(FCD\)](#)
- [Markets in Financial Instruments Directive \(MiFID\)](#)
- [Undertakings for Collective Investment in Transferable Securities Directive \(UCITSD\)](#)
- [Settlement Finality Directive \(SFD\)](#)

- ☐ 1 - Strongly agree
- ☒ 2 - Agree
- ☐ 3 - Neutral
- ☐ 4 - Disagree
- ☐ 5 - Strongly disagree
- ☐ Don't know / no opinion / not applicable

Question 4.1 Please explain which barriers and how a Regulation could remove the barrier:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

As a matter of principle, turning the mentioned directives into regulations could ensure greater consistency and level playing field in the EU regulatory landscape. Furthermore, in our members' opinion, Level 1

provisions should become more specific and comprehensive in order to avoid having Level 2 provisions drafted without a full involvement of the EU legislative bodies.

Question 5. Are there areas that would benefit from simplification in the interplay between different EU regulatory frameworks (e.g. between asset management framework and MiFID)?

- ☐ 1 - Strongly agree
- ☐ 2 - Agree
- ☐ 3 - Neutral
- ☐ 4 - Disagree
- ☐ 5 - Strongly disagree
- ☐ Don't know / no opinion / not applicable

Question 6. Would the key information documents for packaged retail and insurance-based investment products (PRIIPs KID) benefit from being streamlined and simplified?

- ☐ 1 - Strongly agree
- ☐ 2 - Agree
- ☐ 3 - Neutral
- ☐ 4 - Disagree
- ☐ 5 - Strongly disagree
- ☐ Don't know / no opinion / not applicable

Question 7. Do you have other recommendations on possible streamlining and simplification of EU law, national law or supervisory practices and going beyond cross-border provision?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 7.1 Please list your recommendation and suggested solutions.

Please rank them as high, medium or low priority:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

In this respect, our members refer to the points raised in response to Question 1 above. In addition, they would like to highlight the following.

First, there is a pressing need for a more convergent and consistent supervisory approach at EU level. Divergences in the interpretation and application of EU rules by national competent authorities create an unlevelled playing field, compliance uncertainty, and barriers to cross-border activities. AMF Italia members support the development of a phased approach towards supervisory convergence, ultimately granting ESMA direct supervisory powers for cross-border services and market infrastructures.

Second, our members strongly recommend a revision of the PRIIPs Regulation, particularly concerning its scope. In their view, plain-vanilla bonds should be explicitly excluded from the definition of PRIIPs. The current broad application of the regime has created unintended consequences, such as restricting retail client access to relatively simple and low-risk instruments and undermining liquidity in the corporate bond market. Clarifying the scope would contribute to greater legal certainty and support retail investor participation in capital markets.

Question 8. Does the EU trade, post-trade, asset management or funds framework apply disproportionate burdens or restrictions on the use of new technologies and innovation in these sectors?

- ☐ 1 - Strongly agree
- ☐ 2 - Agree
- ☒ 3 - Neutral
- ☐ 4 - Disagree
- ☐ 5 - Strongly disagree
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 8 and provide examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

AMF Italia members do not have a specific view on this topic. However, generally speaking, they believe that the regulatory framework should be neutral with respect to the use of technologies mainly in order to avoid any limitation to IT innovation and development.

Question 9. Would more EU level supervision contribute to the aim of simplification and burden reduction?

- ☐ 1 - Strongly agree
- ☒ 2 - Agree
- ☐ 3 - Neutral
- ☐ 4 - Disagree
- ☐ 5 - Strongly disagree

- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 9:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

As stated above, our members would welcome a more convergent approach in the supervision at EU level in order to reach a greater harmonisation in the application of the relevant rules throughout the whole EU. This could be done according to a phase-in approach by giving ESMA supervisory powers on cross-border services/activities.

2. Trading

This section seeks stakeholders' feedback in the trading space on the nature of barriers to integration, modernisation and digitalisation of liquidity pools and on several issues that can be grouped into two key objectives/areas, as well as their interplay: barriers to cross-border operations in the trading space and barriers to liquidity aggregation and deepening. Respondents are asked to provide concrete examples to support answers provided, and, where possible, quantitative and qualitative information.

Please note that regulatory barriers to the operation of groups and their capacity to leverage intra-group synergies is addressed in the separate questionnaire on horizontal barriers.

2.1. Nature of barriers to integration, modernisation of liquidity pools

Question 1. What is your assessment of the current level of integration of liquidity pools across the EU?

- ☐ 1 - Absent
- ☐ 2 - Inefficient
- ☐ 3 - Neutral
- ☒ 4 - Slightly efficient
- ☐ 5 - Efficient
- ☐ Don't know / no opinion / not applicable

Question 1.1 What are the barriers that limit the level of integration of liquidity pools in the EU?

Please select as many answers as you like

- ☒ Legal/regulatory barriers at EU level
- ☐ Legal/regulatory barriers at domestic level (including also insolvency law, tax, etc., and including barriers resulting from goldplating of EU law)
- ☒

Non-regulatory barriers (market practices)

- ☒ Supervisory practices
- ☒ Other barriers

Please specify to what other barriers you refer in your answer to question 1.1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

While our members believe that the level of integration of liquidity pools in the EU remains relatively low - mainly due to barriers such as different tax regulations and insolvency laws, different market models, not standardised post-trade processes and not harmonised supervisory practices - it is important to note that this low level of integration is, to some extent, offset by the use of advanced trading tools by investment firms. These tools allow firms to operate in ways that, to some degree, overcome the fragmentation of liquidity pools.

Therefore, if we look at the issue solely from the perspective of trading venues, the lack of integration appears evident. However, when considering the financial system as a whole - including the role of these trading tools used by brokers - this fragmentation does not translate into access barriers or inefficiencies for investors.

Question 2. Please provide concrete examples of the identified barriers.

In case of legal barriers (excluding on the “group operations” dealt with in the section on horizontal barriers), please indicate the relevant provisions.

Where possible, please provide an estimate of resulting additional costs and /or impacts on execution quality:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

2.2. Regulatory barriers to cross-border operations in the trading space

Question 3. What is your assessment of the current level of harmonisation of EU rules applicable to:

| | 1 (insufficiently harmonised) | 2 (poorly harmonised) | 3 (partially harmonised) | 4 (sufficiently harmonised) | 5 (fully harmonised) | Don't know - No opinion - Not applicable |
|---|----------------------------------|--------------------------|----------------------------------|----------------------------------|-------------------------|--|
| Regulated markets and their operators | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other trading venues and their operators | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The provision of execution of orders on behalf of clients | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The provision of reception and transmission of orders | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Question 3.1 How necessary would you deem, for the purpose of fostering cross-border operations, an increase in the level of EU harmonisation of rules applying to:

| | 1 (not needed) | 2 (rather not needed) | 3 (neutral) | 4 (rather needed) | 5 (highly needed) | Don't know - No opinion - Not applicable |
|---|-----------------------|----------------------------------|----------------------------------|-----------------------|-----------------------|--|
| Trading venues and their operators | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The provision of execution of orders on behalf of clients | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The provision of reception and transmission of orders | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Question 4. For which areas do you believe that further harmonisation would be beneficial?

Please select as many answers as you like

- ☐ Rules of trading venues (i.e. exchange rulebook)
 - ☒ Approval of rules of trading venues and oversight over their implementation /changes
 - ☒ Governance of the market operator
 - ☒ Open/fair access provisions
 - ☐ Other areas
-

Question 5. Please explain and provide concrete examples of areas where a lack of harmonisation might hamper the full harnessing of the benefits of the single market and, where relevant, differentiate between regulated markets and other trading venues (notably, multilateral trading facilities (MTFs), small and medium enterprises (SME) growth markets and organised trading facilities (OTFs)).

Please provide an estimate of costs and benefits of greater harmonisation in each specific case, where possible:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

2.3. Non-regulatory barriers (market practices) to liquidity aggregation and deepening

2.3.1. Integrating liquidity pools across the Union

Question 6.1 Can the use of new digital technology solutions contribute to integrating liquidity pools or connecting different pools across the EU?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 6.1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Our members believe that new digital technology solutions can play an important role in facilitating the integration or interconnection of liquidity pools across the EU. However, technology alone is not sufficient to address the broader challenges to integration. Differing business and economic models adopted by trading platforms significantly influence the extent to which they are willing or able to connect. IT infrastructure and associated costs also represent a major constraint, particularly for smaller platforms. In addition, the extent to which integration can be achieved depends largely on the market models adopted by the trading venues. Greater similarity in market models could lead to increased liquidity overlap, fostering integration. Nonetheless, it is also essential to preserve a diversity of market models to support competition and cater to the varied needs of different investor categories. Therefore, while digital technology is a valuable enabler, a comprehensive approach that also considers structural, economic, and regulatory factors is necessary to achieve meaningful integration of liquidity pools in the EU.

Question 6.2 What barriers do you face in implementing such technology-based solutions? Please explain:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Intermediaries and venues interconnections

Question 7. What is your overall assessment of the level of direct connection (i.e., ability to directly execute orders) of EU investment firms to execution venues across the Union, especially to execution venues located in a different Member State than that of the investment firm?

- ☐ 1 - Absent
- ☐ 2 - Inefficient
- ☒ 3 - Neutral
- ☐ 4 - Slightly efficient

- ☐ 5 - Efficient
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 7:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Our members have observed a decline in direct connections in recent years. In their view, this trend is primarily driven by the high costs involved, which can only be justified by entities handling very large trading volumes.

Question 8. What is your overall assessment of the level of indirect connection (i.e., ability to execute orders via another intermediary) of EU investment firms to execution venues across the Union, especially to execution venues located in a different Member State than that of the investment firm?

- ☐ 1 - Absent
- ☐ 2 - Inefficient
- ☐ 3 - Neutral
- ☒ 4 - Slightly efficient
- ☐ 5 - Efficient
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 8 and provide a comparison of cost efficiency of direct and indirect connection:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

AMF Italia members do not identify significant challenges in establishing indirect connections. However, when it comes to comparing the cost efficiency of direct versus indirect connections, they believe such a comparison is not straightforward due to the fundamentally different cost structures involved. Direct connections typically involve substantial fixed costs, which can be justified or absorbed only through high trading volumes. In contrast, indirect connections generally incur lower fixed costs but are associated with relatively high variable costs.

Question 8.1. If you think therefore that there is room for improvement in terms of connection of investment firms to multiple execution venues across

the Union, how big of a barrier to the creation of deeper and more integrated pools of liquidity in the EU would you consider this suboptimal level of connection?

- ☐ 1 - Not a barrier
- ☐ 2 - An insignificant barrier
- ☐ 3 - Neutral
- ☐ 4 - A significant barrier
- ☐ 5 - A very significant barrier
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 8.1 and provide an explanation and, where available, estimate(s) of costs that this drives:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 8.2.1. What are in your view the causes of this insufficient level of connection? Please explain:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 8.2.2. Could the more advanced and developed use of new technology (e.g. API aggregation) and technology-based solutions contribute to achieving higher levels of connection?

- ☐ Yes
- ☐ No

- ☐ Don't know / no opinion / not applicable

Question 8.3. What is your overall assessment of the potential negative impact of that situation on retail investors in particular?

- ☐ 1 - No impact
- ☐ 2 - Almost no impact
- ☐ 3 - Slightly negative impact
- ☐ 4 - Significantly negative impact
- ☐ 5 - Highly negative impact
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 8.3:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 9. Are there any barriers to the use of technology-based solutions that contribute to achieving higher levels of connection?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please specify what these barriers are, and whether they are of a policy, regulatory or supervisory nature:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

AMF Italia members believe that cost and organisational complexity represent key barriers to achieving greater levels of interconnection.

Question 10. Are you aware of instances where intermediaries charge their clients higher fees for executing clients' orders on a trading venue in a

Member State that is different from the Member State of the intermediary?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 10.1. What are the reasons why intermediaries charge their clients higher fees?

Please select as many answers as you like

- ☐ It is more expensive for an intermediary to connect to a trading venue that is located in another Member State, because the trading venue charges more than to an intermediary located in its Member State;
- ☒ It is more expensive for an intermediary to connect to a trading venue that is located in another Member State, because of complex cross-border post-trading arrangements;
- ☐ Intermediaries are not directly connected to trading venues located in another Member State and therefore need to rely on other intermediaries, hence increasing the cost;
- ☐ It is a commercial policy at the intermediary's level to apply different fees to clients depending on whether the order is executed in another Member State, independently from what exchanges charge that intermediary;
- ☐ Other

Please explain your reasoning for your answer to question 10.1 and provide relevant data, where available:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The lack of harmonisation and limited interconnectivity among Central Securities Depositories (CSDs) in the post-trading sector results in increased complexity and higher costs, particularly for cross-border transactions. This fragmentation hampers operational efficiency and creates additional burdens for intermediaries willing to connect to a trading venue that is located in another Member State.

Please specify where any of this could also be relevant in the context of the same Member State with multiple trading venues.

Please provide detail on costs incurred by intermediaries of establishing multiple connections to trading venues

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 11. Are there any barriers that may limit the possibility for trading venues to offer trading in financial instruments that have been initially admitted to trading on another trading venue?

Please reply differentiating by type of trading venue:

| | Yes | No | Don't know - No opinion - Not applicable |
|--------------------|----------------------------------|-----------------------|--|
| Regulated markets | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| MTF | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |
| SME Growth Markets | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> |

Question 11.1 Please select one or more of the following options that would explain such situation:

Please select as many answers as you like

- ☐ Market practices pertaining to investment firms
- ☐ Market practices pertaining to trading venues
- ☐ Market practices pertaining to CSDs
- ☒ Barriers linked to interoperability between CCPs
- ☐ Supervisory practices

- ☐ Other barriers (including legal barriers at EU level, legal barriers at national level, tax).

Please explain your answer to question 11.1.

In case of legal barriers, please indicate the relevant provisions and what legislative measures you would recommend to solve this issue.

Please provide concrete examples, and where possible estimates of costs:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

One of the key barriers to trading financial instruments across different trading venues is the lack of harmonisation and limited interoperability among CCPs, particularly in the derivatives space. This fragmentation increases complexity and costs for cross-venue trading. It also limits the potential for netting efficiencies and creates operational burdens because firms need to maintain separate collateral pools and IT infrastructure for each CCP they interact with. This results in duplicated operational, legal, and compliance costs.

Focus on ETFs

Question 12. How would you rate the impact of multiple ETF listings in the EU on the attractiveness of the market in comparison to other third-country markets?

- ☐ 1 - Very negative
- ☐ 2 - Rather negative
- ☐ 3 - Slightly negative impact
- ☒ 4 - Rather positive
- ☐ 5 - Very positive
- ☐ Don't know / no opinion / not applicable

Question 13. In your view, which of the following are the most relevant drivers for multiple listings of ETFs in the EU?

Please select as many answers as you like

- ☒ Market practices pertaining to investment firms (e.g. lack of direct connection to venues situated in a different Member State than the one where the investment firm is located)
- ☒ Market practices pertaining to trading venues
- ☒

Market practices pertaining to CSDs

- ☐ Barriers linked to interoperability between CCPs
- ☒ Supervisory practices
- ☐ Other barriers (including legal barriers at EU level, legal barriers at national level, tax)

Please explain your answer to question 13. and provide concrete examples, and where possible estimates of costs.

In case of legal barriers to a more integrated trading landscape for ETFs leading to necessary multiple listings, please indicate the relevant provisions and what legislative measures you would recommend to solve this issue:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

In the case of ETFs, the practice of multiple listings across trading venues in different Member States has proven to be highly effective. It has significantly improved market accessibility for investors and intermediaries by enabling trading in local markets, which are often more familiar, operationally efficient and less costly in terms of post-trading. Multi-listing supports liquidity development at a local level while maintaining the benefits of a pan-European investment product. This model has worked well in practice, striking a balance between investor convenience and market efficiency.

However, some barriers still exist. Investment firms tend to prioritise trading in their domestic markets, partly due to a lack of direct connections with venues in other Member States. Additionally, limited interoperability among CSDs means that cross-border post-trade arrangements can be more complex and costly than domestic ones. Supervisory practices also play a role, as differences in regulatory fees and requirements across Member States can influence the choice of listing venue, with firms sometimes favouring jurisdictions where supervisory costs are lower. Despite these challenges, the multi-listing model has contributed positively to investor choice, trading flexibility, and competition among venues, and remains a key feature of the EU ETF ecosystem.

However, despite this positive evaluation, there is a growing tendency among certain trading venues - such as Euronext - to move towards a consolidated listing model that discourages multi-listing. This strategic shift may reduce investor choice and hinder market access, particularly for local intermediaries and smaller market participants. Importantly, such a move should not be assessed solely from the perspective of trading venue efficiency and business proposition. A broader, market-wide perspective is needed that considers the impact on competition, investor access, and the overall integration and resilience of the EU capital markets.

Means to improve the consolidation of liquidity through better interconnections

Question 14. In your view, should any intermediary offer its clients the possibility to trade, on any EU regulated market, MTF and SME growth market , in all shares and ETFs admitted to trading in the EU?

- ☐ Yes
- ☒ No
- ☐

Don't know / no opinion / not applicable

Please explain your reasoning for your answer to question 14 and provide where possible estimates of costs and benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

In our members' view, such an offer would not be appropriate for the following reasons. Each intermediary operates under a specific business model, tailored to its strategic positioning, client base, and value proposition. Imposing a uniform obligation to offer trading access across all EU regulated markets, MTFs, and SME Growth Markets would disregard this diversity and undermine legitimate business choices. Moreover, ensuring access to all shares and ETFs admitted to trading in the EU would require substantial investment in infrastructure, compliance, and connectivity. Such a requirement would disproportionately impact small and mid-sized intermediaries, creating a barrier to entry and favouring only a few large, global players. Finally, a blanket obligation would not enhance competition; on the contrary, it could lead to market concentration by reducing the diversity of intermediaries able to operate profitably. A competitive EU financial market should preserve room for specialised players and should not impose one-size-fits-all obligations.

Question 14.1. Please specify if your answer would change if:

| | Yes my answer would change | No my answer would not change | Don't know / No opinion |
|--|----------------------------------|--|----------------------------------|
| the scope of instruments was limited to only a subset of those shares and ETFs that an intermediary offers for trading to its clients, based on certain characteristics (e.g. market capitalisation above a certain threshold) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| the scope of trading venues was limited to only a subset of trading venues (e.g. only EU regulated markets and MTFs having a significant cross-border dimension) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please explain your answers to question 14.1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 14.2. Do you believe any intermediary should ensure, in relation to those shares and ETFs it offers for trading to its clients, the possibility to trade such shares and ETFs on any EU regulated market, MTF and SME growth market?

To note, while the previous question concerned all shares and ETFs admitted to trading in the EU, this question limits the scope of instruments considered to those the intermediary decides to offer for trading to its clients.

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your reasoning for your answer to question 14.2 and provide where possible estimates of costs and benefits:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 15. Do you believe that intermediaries could improve clients' access to liquidity across the EU by using Smart Order Routing or other similar technologies?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

What would be the potential costs associated with it and what are the most useful/promising technologies in your view?

Please explain:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The use of Smart Order Routing (SOR) and similar technologies can indeed improve clients' access to liquidity across the EU by enabling intermediaries to identify and access the best available prices across multiple trading venues. Such tools contribute to more efficient execution, better alignment with best

execution obligations under MiFID II, and ultimately a more integrated and competitive EU capital market. However, the adoption of these technologies should remain a matter of strategic choice for each intermediary. The decision to implement SOR depends heavily on the intermediary's specific business model, client base, and target market. For many firms, particularly smaller or specialised ones, the use of SOR may not align with their operational focus or economic capacity. The deployment of SOR involves significant costs, including the development and maintenance of sophisticated IT infrastructure, connectivity to multiple trading venues, ongoing compliance monitoring, and real-time data processing capabilities. These investments may only be justifiable for firms with a broader market reach or high trading volumes. While SOR and other execution technologies can enhance market access, their implementation should not be made mandatory. A flexible regulatory approach is essential to preserve diversity in market participants and to avoid reinforcing barriers to entry.

Question 16. Beyond membership and execution fees, trading venues may charge connection fees.

To the extent this information is available to you, could you provide figures on the amounts charged by individual trading venues or types of trading venues (e.g. regulated markets, MTFs, etc.)?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 17 Increased access to financial instruments on a cross-border basis can also be ensured by improving the interconnection between all relevant EU regulated markets and MTFs.

To that end, would you consider important to ensure an increased level of interconnection between trading venues in the EU?

- ☐ Yes
- ☐ Yes, provided it is funded/co-funded by public funds
- ☒ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 17:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

As mentioned above, the level of interconnection between all relevant EU regulated markets and MTFs is relatively low. However, this low level of integration is offset, to some extent, by the use of advanced trading tools by investment firms (i.e., SOR). These tools allow firms to operate in ways that, to some degree, overcome the fragmentation of liquidity pools. Furthermore, cost and organisational complexity represent key barriers to achieving greater levels of interconnection between trading venues.

Question 18. Which of the options referred to in questions 14 and 14.1 (better access to trading venues by intermediaries – option A) and question 17 (increased interconnection between trading venues – option B) would better achieve the following objectives?

| | Option A (increased interconnection between trading venues) | Option B (better access to trading venues by intermediaries) | Don't know / No opinion |
|---|---|--|-------------------------------|
| Increasing the level of liquidity for shares and ETFs | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Improving the quality of execution | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Increasing the speed of execution | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Reducing the cost of execution for clients | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Delivering a more efficient EU trading landscape | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please explain your answer to question 18:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 19. In other jurisdictions, notably the US, an increased level of interconnection at the level of trading venues resulted from the application of the ‘order protection rule’ ([Rule 611 of the Regulation National Market System](#)) that established intermarket protection against trade-throughs for certain shares.

Do you have any experience with this rule?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 19:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Although most of our members do not have direct experience with the U.S. “order protection rule”, they would like to emphasise that such a rule would not be appropriate in the context of the EU market. The EU trading landscape is significantly more fragmented, both in terms of the number of trading venues and the diversity of their market models and microstructures. Unlike the United States, the EU does not benefit from a fully consolidated post-trade environment neither in terms of clearing nor settlement infrastructure. This lack of harmonisation adds complexity and cost to cross-venue execution. As a result, introducing an intermarket protection rule similar to that of the U.S. would likely lead to significant operational challenges without necessarily delivering equivalent benefits. Moreover, the EU market structure is built on the principle of competition between trading venues, and the imposition of a mandatory trade-through protection mechanism could have adverse effects. Therefore, AMF Italia members do not support the direct transplantation of regulatory models from jurisdictions with fundamentally different legal, structural, and operational characteristics.

Question 19.1 Please assess the effectiveness of this rule in terms of:

| | 1 (not at all effective) | 2 (rather not effective) | 3 (neutral) | 4 (rather effective) | 5 (highly effective) | Don't know - No opinion - Not applicable |
|--|-----------------------------|-----------------------------|-----------------------|-------------------------|-------------------------|--|
| Guaranteeing the best price for clients/investor protection | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Speed of execution | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Level of execution fees | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Split of liquidity | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Interconnection between trading venues | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Efficiency of the price formation process | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Modernising trading protocols (e.g. digitalisation/electronic trading) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Question 19.2 Are you aware of any issues that can arise from this rule?

- ☒ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 20. Where implemented, the order protection rules required technological adaptations, so to allow the swift rerouting of the orders.

What is your assessment of the ability of the current state of connections among trading venues in the EU to cater for the rerouting of orders to venues offering the best price, as required by the order protection rule in the US?

- ☒ 1 - Insufficient
- ☐ 2 - Rather insufficient
- ☐ 3 - Neutral
- ☐ 4 - Rather adequate
- ☐ 5 - Fully adequate
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 20:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The current state of connectivity among EU trading venues is not adequate to support the implementation of an order protection rule similar to that in the United States. Unlike the U.S. equity market, which is structured around a highly centralised and standardised national market system, the EU market remains fragmented, both technically and structurally.

Implementing an order protection rule in the EU would require significant technological adaptations, including real-time interconnectivity between all trading venues. This would entail substantial IT investments, not only by trading venues, but also by market participants, to ensure ultra-low latency routing capabilities, consolidated order book visibility, and precise price/time priority across different platforms.

Moreover, the diversity in market models, trading protocols, and participant bases across EU venues further complicates the feasibility of such a mechanism.

Question 21. Do you consider that geographical dispersion of EU trading venues would pose issues to an effective implementation of similar rules?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 21:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Please, see our answer to Questions 19 and 20 above.

Question 21.1. Are there any means to tackle them?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 21.1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 22. If the current set-up does not allow for it, what are in your view the necessary arrangements to allow for sufficiently fast connections, and what would be the associated costs?

Please provide cost estimates where possible:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

In light of the discussions had on the establishment of an EU consolidated tape, our members believe that a US-like model with fast connections and low latency is very challenging and not viable in the current set-up.

Question 23. Crypto-markets have seen the emergence of a market architecture whereby retail investors have direct access to a crypto-asset trading venue.

Do you see merit in allowing or promoting the direct access of retail participants to trading venues for financial instruments, without an intermediary?

- ☐ Yes
- ☒ No
- ☐ Don't know / no opinion / not applicable

Please explain the advantages and disadvantages of such a model, as well as the risks and how they could be mitigated:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

AMF Italia members strongly disagree with the hypothesis of allowing direct participation of retail investors in trading venues. Such access would expose retail investors to significant risks, particularly given the generally low levels of financial literacy observed in many EU Member States. Without adequate safeguards, this approach could lead to poor investment decisions, increased exposure to market volatility, and potential misuse of complex trading functionalities, ultimately undermining investor protection, one of the core objectives of EU financial regulation.

2.4. Ensuring fair access to market infrastructure to foster deep and liquid EU-wide markets

Question 24. What is your assessment of the effect of the removal of exchange-traded derivatives from the so-called ‘open access’ to CCPs and trading venues provision under Articles 35 and 36 of the reviewed MiFIR?

Please include elements in terms of costs of trading and clearing, depth of market, switch to OTC.

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The removal of exchange-traded derivatives from the scope of the so-called “open access” provisions reflects the practical limitations in implementing open access for these instruments. In particular, the lack of standardisation across EU trading venues - such as differences in contract specifications, expiry dates, and settlement, especially for products like single stock options - made the effective application of open access to ETDs highly complex and operationally unfeasible. As a result, the removal has not produced any relevant effects. In practice, open access for ETDs was largely theoretical and never fully operationalised, due to the

absence of sufficiently fungible contracts across venues. Therefore, the costs of trading and clearing remain broadly aligned with existing vertical silos, and no material increase in costs has been observed directly as a consequence of the removal.

Question 25. What is your assessment of the effectiveness of the open access provisions under Articles 35 and 36 of the reviewed MiFIR on other financial instruments, notably equity?

- ☐ 1 - Not at all functioning
- ☐ 2 - Not functioning very well
- ☐ 3 - Neutral
- ☐ 4 - Functioning quite well
- ☐ 5 - Perfectly functioning
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 25:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 26. Have you identified any barriers to the proper functioning open access provisions under Articles 35 and 36 of the reviewed MiFIR?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 27. Have you identified other barriers in terms of fair access relating to trading infrastructure, beyond those addressed under Articles 35 and 36 of the reviewed MiFIR?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 27:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

2.5. Enhanced quality of execution through deeper markets

Question 28. When the same financial instrument is traded on multiple execution venues, the best execution rule plays a key role. The rule seeks to protect investors, ensuring the best possible result for them, while also enhancing the efficiency of markets by channelling liquidity towards the most efficient venues.

What is your assessment of the effectiveness of the best execution rules in the EU?

- ☐ 1 - Insufficient
- ☐ 2 - Rather insufficient
- ☐ 3 - Neutral
- ☒ 4 - Rather efficient
- ☐ 5 - Fully efficient
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 28:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Compliance with best execution rules in the EU does not necessarily imply that intermediaries must continuously monitor and compare prices and trading conditions across all EU trading venues where a financial instrument is available. Such an approach would involve significant operational complexity and cost, which could ultimately outweigh its benefits, especially for smaller firms or those with a focused client base. It is important to recognise that best execution must be assessed in light of the intermediary's execution policy, which takes into account its business model, target market, and the characteristics of its client orders. In this context, the existence of different business propositions is not only legitimate but also beneficial from a competition and market diversity standpoint. While there is certainly room for improvement, particularly through the broader adoption of SOR and other execution-enhancing technologies, the current framework - often based on routing to the most liquid venue - generally provides a sufficient basis to meet best execution requirements in practice.

Question 29. There are important differences between best execution rules in the EU and in the US. In particular, in the EU, the obligation to obtain the best possible result for the clients lies on the intermediary. In the US, the quality of execution is guaranteed also through the aforementioned “order protection rule” that prevents trading venues from executing orders if a better execution price can be found on another exchange.

Which of the following options would most accurately reflect your assessment of the best execution framework in the EU vis-à-vis the US?

- ☐ The EU framework is better suited than the US framework to obtain the best results for clients
- ☐ The US framework is better suited than the EU framework to obtain the best results for clients
- ☐ Both models are equally effective
- ☐ Both models are equally ineffective
- ☒ Don't know / no opinion / not applicable

Please explain your answer to question 29:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

AMF Italia members do not support the adoption of US-style best execution mechanisms, such as the “order protection rule”, within the EU framework. The EU best execution approach, as set out in Article 27 of MiFID II, is broader and more client-centric. It explicitly requires firms to consider a range of execution factors beyond just price - including costs, speed, likelihood of execution and settlement, size, and nature of the order - based on what is most advantageous for the client. By contrast, the US rule is narrowly focused on price and operates at the venue level, not at the intermediary level. It obliges trading venues to route orders to the market offering the best price, thereby removing discretion from firms and potentially disregarding other execution factors important to the client. Importing such a model into the EU would undermine the current principle-based regime, which allows firms to design and implement execution policies suited to their business model and client needs. Moreover, it would imply mandatory connectivity to all trading venues, which, given the EU's fragmented market structure, would impose significant costs and technical challenges—particularly in terms of latency and infrastructure. Paradoxically, this could lead to worse execution outcomes for clients when assessed on a net basis.

Question 30. For equity instruments, the consolidated tape will disclose the European Best Bid Best Offer (EBBO) in an anonymised form. The tape will allow to have increased and integrated visibility on the different pools of liquidity available.

How effective would lifting the anonymity of the EBBO be in achieving the following objectives?

| | 1 (not at all effective) | 2 (rather not effective) | 3 (neutral) | 4 (rather effective) | 5 (highly effective) | Don't know - No opinion - Not applicable |
|---|----------------------------------|----------------------------------|-----------------------|----------------------------------|-------------------------|--|
| Improving the ability of investment firms to assess the quality of execution | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Ensuring a more integrated market whereby investment firms are able to direct their order to the most efficient options | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Contributing to the efficiency of the price formation mechanism | <input type="radio"/> | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please explain your answer to question 30, providing a cost/benefit assessment:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Lifting the anonymity of the EBBO could offer marginal benefits in terms of ex-post execution quality assessment, as it would allow investment firms to trace the origin of prices and better evaluate the performance of trading venues. From this perspective, increased transparency could enhance accountability and improve benchmarking of execution strategies, particularly for firms operating across multiple venues. However, this measure would likely be less effective in achieving broader market integration or enhancing price formation efficiency. The key drivers of a more integrated and transparent market lie elsewhere - primarily in the availability, timeliness, and affordability of market data. As long as investment firms continue to face high costs for accessing real-time data across venues, and as long as latency varies significantly between trading infrastructures, simply lifting anonymity will not substantially improve market functioning. In this context, AMF Italia members believe that efforts should instead focus on enhancing enforcement and implementation of Level 2 provisions, particularly regarding fair, reasonable, and non-discriminatory access to market data.

Question 31. For equity instruments, the consolidated tape will disclose the EBBO only in relation to one layer of quotes (i.e., show only the best bid and offer, but not the second, third, etc.).

How important do you deem expanding the depth of the EBBO displayed by the equity tape?

- ☐ 1 - Not needed
- ☒ 2 - Not really needed
- ☐ 3 - Neutral
- ☐ 4 - Rather needed
- ☐ 5 - Essential
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 31, providing a cost/benefit assessment:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

In principle, expanding the depth of the EBBO displayed by the consolidated tape would enhance market transparency and provide a more comprehensive view of available liquidity. Such information could support more informed trading decisions, particularly for institutional investors executing large orders, and improve the calibration of algorithmic strategies. However, the practical benefits of displaying multiple layers are currently limited by latency issues. If the data provided by the tape is not close to real-time, the additional depth may quickly become outdated and thus of limited value for execution purposes. In such a case, displaying more layers could create an illusion of transparency without improving actual market quality or

execution outcomes. From a cost-benefit perspective, the implementation of deeper order book data on the consolidated tape at this stage may not be justified. The priority should be ensuring low-latency, high-quality best bid and offer data before considering further depth. Only once the core tape infrastructure proves robust, timely, and cost-effective should deeper layers be explored.

Question 32. Under the current MiFIR, the speed at which core market data is disseminated by the equity consolidated tape is not regulated.

How important do you deem defining in legislation the speed at which core market data should be disseminated by the equity consolidated tape?

- ☒ 1 - Not needed
- ☐ 2 - Not really needed
- ☐ 3 - Neutral
- ☐ 4 - Rather needed
- ☐ 5 - Essential
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 32, specifying what should be the adequate speed:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 33. Which of the following options reflects your assessment of the impact on the consolidated tape of requiring systematic internalisers to contribute to the equity pre-trade consolidated tape?

- ☐ It would improve the quality of the data displayed by the tape
- ☐ It would reduce the quality of the data displayed by the tape, also considering that systematic internalisers, under certain conditions, can trade at prices that are better than the quoted prices
- ☐ It would be irrelevant
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 33:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 34. Which amendments to their regulatory framework would be required to effectively include systemic internalisers as contributors of equity pre-trade data?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 34.1. Are there other hurdles (e.g. technical)?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 34.1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

2.6. Building quality liquidity for EU market participants: impact of recent trends

2.6.1. Non-transparent ('dark') trading (for equity instruments)

Question 35. The EU's trading landscape is witnessing a decrease of lit order book equity trading (i.e. order book trading with pre-trade transparency).

In your view, what are the main reasons that explain such a trend?

Please select as many answers as you like

- ☐ Regulation
- ☐ Liquidity fragmentation
- ☒ Order flow competition (e.g. development of EMS/OMS)
- ☒ Technological developments (e.g. algorithmic trading/HFT)
- ☒ Surge in ETFs and passive management
- ☐ Other

Please explain your answer to question 35:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

One of the key drivers behind the decline in lit order book equity trading in the EU is the strategic response of trading venues themselves. Faced with the risk of losing valuable order flow to competing venues, many trading venues have actively introduced dark trading mechanisms to retain flow. Moreover, the rise of HFT activity has contributed to reduced participation in lit markets. Many institutional investors and retail brokers are increasingly reluctant to post visible limit orders due to the risk of being "picked off" by faster counterparties. This dynamic reduces the incentives to provide liquidity transparently and encourages the use of alternative execution mechanisms, including dark pools. Another important factor is the growing share of passive investment and ETF trading, which often tend to seek efficient execution over transparency, further reducing the share of lit order book activity. In conclusion, while the decline in lit order book trading reflects structural changes and strategic behaviours in the EU trading landscape, it is important to recognise that both lit markets and dark trading venues serve complementary roles within the market ecosystem.

Question 36. What is your assessment of the impact of the current levels of dark trading in the EU on orderly markets and sound price discovery?

- ☒ 1 - Too low to harm price formation
- ☐ 2 - Sufficiently low to hardly harm price formation
- ☐ 3 - Neutral
- ☐ 4 - Slightly excessive and harmful for price formation
- ☐ 5 - Excessive and very harmful for price formation
- ☐ Don't know / no opinion / not applicable

Please explain the reasoning of your answer to question 36:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 37. In your view, how does a more sophisticated use of equity waivers by trading venues (i.e. the design of equity waivers is becoming more complex) affect the business model of these trading venues vis-à-vis bilateral trading systems?

Please explain your reasoning:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 38. Do you believe that the existing provisions on the reference price waiver (RPW) are fit for purpose?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 39. Do you agree with the current criteria to determine the reference price?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 40. Do you believe that the existing provisions on the negotiated trade waiver (NTW) are fit for purpose?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 41. The current state of EU legislation does not allow a trading venue to benefit from the negotiated price waiver for negotiated transactions that take place with the assistance of a system or trading protocol operated by the trading venue. This is in contrast to current trends observed in other jurisdictions (for example, in the United States, where “multilateral percentage of volume” or “trajectory crossing” venues are allowed).

Do you think that trading venues should be allowed to use the negotiated price waiver to execute negotiated transactions that take place with the assistance of a system or trading protocol operated by the trading venue?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 42. Do you think that the existing provisions on the order management facility waiver (OMFW) are fit for purpose?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Closing auctions

Question 43. In your view, what are the main reasons that explain the rising importance of closing auctions?

Please select as many answers as you like

- ☒ Rise of index investing/passive management
- ☒ Growing use of quantitative investment strategies benchmarked to the close
- ☐ Increased emphasis on best execution under MiFID II

- ☐ Move away/protection from HFTs
- ☐ Other

Please explain the reasoning of your answer to question 43:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The rising importance of closing auctions in EU equity markets can be primarily attributed to two interrelated structural developments: the rise of index investing and passive management and the growing use of quantitative and algorithmic strategies benchmarked to the close.

A growing share of equity market activity is now driven by passive investment strategies, including ETFs and index funds, which aim to replicate the performance of benchmarks that are typically calculated using closing prices. As a result, fund managers are incentivised to execute trades as close as possible to the official closing price to minimise tracking error and align with the benchmark. This structural shift has naturally increased the concentration of trading activity during the closing auction window. Quantitative funds and algorithmic trading strategies often calibrate their models to end-of-day pricing data. Many such strategies rely on executing portfolios in a way that reflects closing prices for optimal rebalancing or risk management.

Question 44. What is your assessment of the current level of competition on closing auctions, including between trading venues that offer trading for the same financial instrument?

- ☐ 1 - No competition
- ☒ 2 - Low level of competition
- ☐ 3 - Neutral
- ☐ 4 - High level of competition
- ☐ 5 - Very high level of competition
- ☐ Don't know / no opinion / not applicable

Question 44.1. Please point to the main causes for such a situation and to the main implications on the broader functioning of EU markets.

Please specify which changes to the EU legislation would increase competition?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The lack of competition is primarily due to the fact that closing auctions are centrally run by traditional exchanges, which determine the official closing price used for benchmarks, indices, and fund valuations. This function makes exchanges a de facto monopolist for end-of-day trading. This de facto monopolistic structure grants significant market power to exchanges, particularly over the provision and pricing of closing auction market data, which is critical for both execution and valuation.

Question 44.2. Do you believe that the consolidated tape could play a role in that regard?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain the reasoning of your answer to question 44.2:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 45. What is your assessment of the level of fees charged by trading venues for orders submitted during a closing auction, compared to any other time of the trading day?

- ☐ 1 - Very low
- ☐ 2 - Rather low
- ☐ 3 - Neutral
- ☐ 4 - Rather high
- ☐ 5 - Excessive
- ☐ Don't know / no opinion / not applicable

Please explain the reasoning of your answer to question 45, in particular as regards the potential impact of these costs on the attractiveness of EU capital markets, should the concentration of trading in closing auctions continue to increase:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 45.1. Do you believe that measures should be taken to reduce costs for investors?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 45.1, specifying what would these measures be:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 46. Have you identified other challenges linked to the raising importance of closing auctions?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 46, specifying what these challenges are:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 46.1. Have you identified other measures to be taken to address such challenges?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 46.1, specifying what these other measures are:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

24-hour trading

Question 47. How positive do you deem extended trading hours / 24-hour trading for the development and competitiveness of EU markets?

- ☐ 1 - Not significantly positive
- ☒ 2 - Slightly positive
- ☐ 3 - Sufficiently positive
- ☐ 4 - Very positive
- ☐ 5 - Extremely positive
- ☐ Don't know / no opinion / not applicable

Please explain the reasoning of your answer to question 47:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Extended trading hours/24-hour trading could represent a competitive factor for trading venues willing to attract further order flows. However, generally a low level of liquidity characterises night hours and this should be carefully monitored before adopting extended/24-hour trading mechanisms.

Question 48. How advantageous or risky do you deem extended trading hours /24-hour trading for the orderly functioning of EU capital markets?

- ☐ 1 - Very advantageous
 - ☐ 2 - Rather advantageous
 - ☐ 3 - Neutral
 - ☐ 4 - Rather risky
 - ☐ 5 - Highly risky
 - ☐ Don't know / no opinion / not applicable
-

Question 49. In your view, do the advantages of extended / 24h trading outweigh the potential risks?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 49:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

The role of multilateral vis-à-vis bilateral trading

Question 50. Based on the current legal framework, and considering developments in technology and market practices (including the development of smart order routing systems), is the dividing line between multilateral trading facilities and bilateral trading sufficiently clear?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 50 and provide concrete examples:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 51. In your view, what are the benefits stemming from competition between bilateral and multilateral execution venues?

Please explain your reasoning and differentiate between different categories of clients (professional investors vs retail investors)?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 52. In your view, what are the main drawbacks stemming from competition between bilateral and multilateral execution venues?

Please explain your reasoning and differentiate between different categories of clients (professional investors vs retail investors)?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 53. In your view, do benefits stemming from competition between bilateral and multilateral execution venues outweigh the associated drawbacks?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain the reasoning of your answer to question 53 and differentiate between different categories of clients (professional investors vs retail investors):

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 54. Does the emergence of DLT-based/tokenised asset markets bring in a new element or dynamic, compared to bilateral versus multilateral venues?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 54.1 Should our regulatory framework be adapted to reflect this change?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

2.6.2. Single market maker venues

Question 55. In your view, what are the main benefits and drawbacks associated with so-called “single market maker venues” (i.e. where the venue operator limits market making to one participant)?

Please explain your reasoning, in particular when it comes to quality of execution:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 56. Are you aware of any existing practices that may restrict the presence of multiple market makers/liquidity providers on these venues?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 56 and provide concrete examples and specific restrictions or costs obstacles:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Some trading venues provide a single market maker for each financial instrument preventing other market makers from competing. Nevertheless, the possibility to insert limit orders allows for competition and safeguards market efficiency. A case-by-case assessment is preferable to a ban on a specific market model.

Question 56.1. In your view, are these practices justified?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 56.1 and flag any potential risks in terms of efficiency of trading:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

2.6.3. Ghost liquidity

Question 57. Market developments have led to changes in the order submission strategy by certain high frequency traders, such as the submission of more orders than the amount that is really intended to be executed. This may imply that ‘consolidated’ liquidity (measured as the simple aggregate of a given financial instrument available across all trading venues) is likely to be an overstatement of the actual liquidity that an average trader can access. The difference between measured liquidity and tradeable liquidity is often referred to as ‘Ghost Liquidity’.

Do you believe that practices associated with Ghost Liquidity are conducive to adequate levels and ‘quality’ of liquidity and price formation on trading venues?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain the reasoning for your answer to question 57:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

2.7. Other issues on trading

Question 58. Please provide any further suggestions to improve the integration, competitiveness, simplification, and efficiency of trading in the EU.

Please provide supporting evidence for any suggestions:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

3. Post-trading

Issues with respect to post trading identified to date fall into three main areas:

- barriers to cross-border settlement
- barriers to the application of new technology and new market practices
- unharmonised and inefficient market practices and application of law, as well as disproportionate compliance costs.

This consultation aims to further specify the above barriers, as well as understand current market practices and costs borne by market participants, be they fees or other compliance costs. This section seeks feedback on possible measures, legislative or non-legislative, to achieve more integrated, modern post-trading infrastructures. Respondents are asked to provide concrete examples to support answers provided, and, where possible, quantitative and qualitative information.

3.1. Barriers to cross-border settlement and other CSD services

3.1.1. Cross-border provision of CSD services and freedom of issuance

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 1. What are the main barriers to the provision of cross-border CSD services in the EU and to freedom of issuance in any CSD in the EU?

Please select as many answers as you like

- ☒ procedures mandated by EU or national laws (e.g. passporting)
- ☒ other legal or regulatory requirements (national or EU)
- ☐ lack of clarity and/or complexity on the applicable legal or regulatory framework (national or EU)
- ☐ supervisory practice (national or EU)
- ☒ market practice (national or EU)

- ☒ operational requirements (national or EU)
- ☒ differences in national legal, regulatory or operational requirements
- ☒ technical/technological aspects
- ☐ language
- ☐ Other

Please explain the reasoning for your answer to question 1:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

AMF Italia members have identified the following main barriers to greater market integration and operational efficiency in the EU:

- (i) Limited interconnectivity (links) between CSDs, which necessitates the involvement of third parties to transfer securities from one CSD to another. This creates timing inefficiencies that are likely to worsen in the context of a T+1 settlement cycle.
- (ii) Lack of harmonisation in the choice of the place of settlement by market participants, often requiring subsequent realignment of positions across CSDs, resulting in increased operational complexity and risk.
- (iii) Divergences in legal and regulatory frameworks across Member States, particularly regarding the timing for the approval of prospectuses and offer documents, which creates legal uncertainty and inefficiencies in cross-border issuance.
- (iv) Lack of clarity in the interpretation of certain EU legal provisions, where the exclusive competence of the Court of Justice of the European Union (CJEU) to provide definitive interpretations means that stakeholders must await CJEU rulings to resolve ambiguities, which is clearly incompatible with the strict implementation timelines required by market actors.
- (v) Inconsistent treatment and classification of corporate actions by CSDs, despite the existence of market standards. These standards are not applied uniformly, resulting in fragmentation and operational inefficiencies.
- (vi) Divergent tax treatment of equivalent market claims (i.e., manufactured dividends versus price adjustments), which creates legal uncertainty and distorts the level playing field across jurisdictions.

Question 2. Are there barriers to the freedom of issuance in the EU (e.g. requirements to use domestic CSDs for issuance/immobilisation /dematerialisation of securities, requirements in the corporate or similar law of the Member State under which the securities are constituted)?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 3. Are there barriers to cross-border asset servicing and processing of corporate actions, e.g. how Member States compile the list of key relevant provisions of their corporate or similar law, which apply in the context of

cross-border issuance (Article 49, [Central Securities Depositories Regulation \(CSDR\)](#))?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 4. Are there barriers stemming from national laws, regulatory /supervisory or operational requirements?

For example:

- setting out **restrictions for the place of settlement** for primary or secondary market transactions
- preventing securities issued by entities from **other EU Member States** from being issued, maintained or settled in the national CSD
- imposing **additional requirements on CSDs**, established in another Member State, wishing to provide services to national issuers and/or participants)

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 5. Are there any additional barriers to the provision of cross-border CSD services which are not mentioned above?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

3.1.2. Links

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 6. What are the main barriers to building an efficient network of links between EU CSDs?

Please select as many answers as you like

- ☐ legal or regulatory requirements (or lack thereof)
- ☐ fiscal requirements
- ☐ supervisory practice
- ☐ market practice
- ☐ operational requirements
- ☐ differences in national legal, regulatory or operational requirements
- ☒ technical/technological aspects
- ☐ other

Barrier due to technical/technological aspects - Links

| | Describe the barrier due to technical /technological aspects |
|--|--|
| Explanation of the barrier | Our members believe that the main barriers to building an efficient network of links between EU CSDs are due to the costs to be borne in order to provide the necessary technological implementations. |
| Reason(s) why it is a barrier | The choice of providing a link between CSDs is based on an economic evaluation (i.e., revenues from transaction volumes compared with the implementation costs) and, therefore, many CSDs introduce links only when the volume of transactions justifies it. |
| Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level) | |
| Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant | |
| Operational requirements that create the barrier (national or EU level) | |
| Technical/technological aspect(s) related to the barrier, if relevant | |
| Member State(s) in which the barrier exists, if relevant | |
| Estimation of the costs of the barrier and an explanation of how these costs could be reduced | |

Potential solution(s) to remove or lower the barrier, **in descending order of importance**

Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).

Data on the potential costs and benefits of the suggested solution(s)

We believe that the number of links between CSDs should not be considered as the only indicator of the level of cross-border activity taking place in EU securities markets. Intermediaries, such as custodian banks, also provide a safe and efficient means for market participants to connect to non-domestic CSDs.

Assess the priority level for addressing the barrier due to technical /technological aspects:

- ☐ High priority
 - ☐ Medium priority
 - ☐ Low priority
 - ☐ Don't know / no opinion / not applicable
-

Question 7. Are there barriers related to the establishment of links?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

How many barriers related to the establishment of links have you identified?

- ☒ 1 barrier
- ☐ 2 barriers
- ☐ 3 barriers

Barrier 1 - Establishment of links

| | Describe barrier 1 related to the establishment of links |
|---|--|
| Explanation of the barrier | As previously noted, our members believe that the scarcity of links constitutes a significant barrier. |
| Reason(s) why it is a barrier | Links are typically created only when there is a critical mass of post-trading volumes, meaning that markets with lower activity levels are often excluded. This situation undermines the overall efficiency and integration of the EU post-trade ecosystem and results in a lack of standardisation, leading to increased operational burdens and higher costs for settlement participants and their clients. |
| Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level) | |
| Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant | |
| Operational requirements that create the barrier (national or EU level) | |
| Technical/technological aspect(s) related to the barrier, if relevant | |
| Member State(s) in which the barrier exists, if relevant | |
| | |

| | |
|--|--|
| Estimation of the costs of the barrier and an explanation of how these costs could be reduced | |
| <p>Potential solution(s) to remove or lower the barrier, in descending order of importance</p> <p>Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).</p> | |
| Data on the potential costs and benefits of the suggested solution(s) | |

Assess the priority level for addressing barrier 1 related to the establishment of links:

- ☐ High priority
 - ☐ Medium priority
 - ☐ Low priority
 - ☐ Don't know / no opinion / not applicable
-

Question 8. Are there barriers related to the maintenance of links?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 9. Are there barriers related to the **classification (i.e. customised, standard indirect, interoperable) and/or whether they are **unilateral or bilateral links**?**

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 10. Are there barriers related to the **improper use of existing links?**

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 11. Is the cost of settlement via links taken into account when negotiating securities transactions?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please justify your answer to question 11, in particular identifying potential risks:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

In this respect, AMF Italia members wish to underline that the cost of post-trade services varies depending on the availability of links between CSDs. When links are not in place, higher operational and settlement costs arise, which in turn influence transaction pricing based on each intermediary's business model. The type of client - whether institutional or retail - can be a key factor in determining whether the intermediary chooses to absorb the additional cost (thereby reducing its profit margin) or pass it on to the client.

Question 12. In view of the growing use of 'relayed links', does Art. 48, CSDR adequately capture current market practice?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 12:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 13. Is the use of relayed links creating barriers to cross-border settlement?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 14. Does the use of relayed links improve cross-border settlement?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 14:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 15. Who should be involved in the process for the authorisation of establishing a link as well as the ongoing supervision thereof?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 16. Should all links be standard links?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 16:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 17. Should all links be interoperable links?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 17:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 18. Should all links be bilateral?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 18:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 19. Should all CSDs be mandated to establish a minimum number of links with other EU CSDs?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 19:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Even if the availability of links is a critical issue for market integration, this matter should remain market-led to avoid a costly architecture.

Question 20. Should the comprehensive risk assessment for the validation of a link be carried out by ESMA?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 20:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 21. Are there any barriers or material challenges to the establishment of links between CSDs and other infrastructures?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 22. Have you had a request for a link refused?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

3.1.3. Settlement services in the EU

Question 23. How could settlement in T2S be further enhanced in order to build a deeper and more integrated market in the EU and facilitate cross-CSD settlement?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Our members believe that settlement in T2S could be further enhanced by the participation of the ICSDs. Nevertheless, further analysis is needed to carefully weigh the benefits of broader T2S participation against the operational realities and differing business models across CSDs.

Question 24. Should links between CSDs participating in T2S no longer be required to enable settlement in T2S in any of the financial instruments available in T2S?

- ☐ Yes
- ☒ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 24:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

T2S is a common platform but it doesn't operate as a safekeeper. Therefore, links are necessary also in a T2S framework.

Question 25. Are there any national market practices, laws, rules/regulations, or operational requirements which hinder the participation in T2S or cross-CSD settlement?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 25 and provide details:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

AMF Italia members believe that some barriers exist. For example, should a CBF participant need to instruct a PORT (portfolio transfer transaction), then it must subscribe an additional tool required by German tax law. This creates a barrier for intermediaries participating in CBF but not subject to German law.

Question 26. What can be done to ensure progress and take-up by T2S participants of already agreed harmonised standards and market practices (e.g. market standards for corporate actions, SCoRE corporate actions standards, T2S corporate action standards, other T2S harmonisation standards, other relevant global or European market standards and market practices)?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

AMF Italia members support a greater enforceability of standards and market practices. Furthermore, an approach aimed at spreading the knowledge of such market practices and relevant advantages could be beneficial.

Question 27. Do you comply with the abovementioned standards and market practices (e.g. market standards for corporate actions, SCoRE corporate actions standards, T2S corporate action standards, other T2S harmonisation standards, other relevant global or European market standards and market practices)?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 27:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Our members comply with the abovementioned standards and market practices.

Question 28. Should T2S harmonisation standards be applied more widely across the EU, in order to create a more harmonised settlement environment across the EU?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 28:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 29. Should the costs of settlement be reduced?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain what could be done to reduce the costs settlement?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

AMF Italia members believe that settlement costs should be proportional to the level of service offered. Nevertheless, the lack of comparability between CSDs fee schedules and their complexity is an obstacle to effective competition as participants cannot easily compare different offerings.

Question 30. Should the transparency of settlement pricing and CSD services be improved (in substance and format), for example with a standard template that would facilitate comparison of prices and service offering?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 30:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 31. Should all CSDs settling the cash leg in Euro be required to connect to T2S?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 31:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 32. Are there difficulties in accessing settlement in foreign currencies, not only in the T2S environment?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 33. Is there a need for additional currencies to be settled in T2S?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 33:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

T2S currently supports settlement only in Euro (EUR) and Danish krone (DKK), while other major global currencies are not included. Expanding the range of eligible currencies could significantly enhance cross-border settlement activity.

Question 34. Should T2S be able to provide other CSD services, including issuance services and asset servicing services?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 34:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 35. What improvements (e.g. organisational, operational, contractual, etc.) could be introduced to T2S to support a broader and more resilient use of it?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

3.1.4. Legal certainty

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 36. Are there barriers from national legal or regulatory requirements that affect legal certainty of acquisitions and dispositions in financial instruments, or cash or cash equivalent cross-border?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 37. Does the law applicable to the assets and to the CSD influence a decision to acquire or dispose of financial instruments cross-border?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 38. Are there barriers for issuers to obtain legal certainty on the ownership of the securities issued in a CSD or any other registrar?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 39. Are there barriers for investors to obtain legal certainty on their rights and powers (e.g. ownership rights, rights in relation to corporate events) and for intermediaries to have legal certainty on their duties in relation to financial instruments, cash or cash equivalent, issued in /maintained in/settled by a CSD?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 40. Are there any barriers to pool assets from different jurisdictions?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 41. Are there barriers, e.g. due to the lack of certainty on the applicable law, to the cross-border provision of services (e.g. issuance or asset servicing) and/or use of services?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 42. Are there barriers to the cross-border provision or use of CSD services due to the lack of certainty on the applicable law?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 43. Are there barriers to pooling assets from different jurisdictions?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 44. Are there legal certainty barriers to the provision of cross-border asset servicing?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 45. Are there barriers stemming from national laws affecting the legal certainty of acquisitions and dispositions in financial instruments, or cash or cash equivalent?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 46. Are there new barriers that create legal uncertainty in the provision of issuance / maintenance / settlement services via new technologies (e.g. where bridges are used between different distributed ledgers in the issuing and minting process)?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 47. Is there a legal certainty barrier due to the absence of a conflict of law rule, related to proprietary, contractual and system-related aspects, under the CSDR (to complement those under the SFD/FCD etc.)?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 48. Can the existing approach to conflict of laws under the SFD and the FCD be applied to DLT based networks/systems and collateral transactions?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 48:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 49.1. What is the preferred connecting factor in relation to **proprietary aspects related to transactions on a DLT system?**

Please select as many answers as you like

- ☐ The law chosen by the participants to a transaction
- ☐ The law chosen by the network participants
- ☐ The law of the legal entity operating the DLT-based system on which digital assets are recorded
- ☐ In relation to a digital asset of which there is an issuer, the domestic law of the State where the issuer is established
- ☐ The place of the relevant operating authority/administrator (PROPA)
- ☐ The primary residence of the encryption private master keyholder (PREMA)
- ☐ Other

Question 49.2. What is the preferred connecting factor in relation to **contractual aspects related to transactions on a DLT system?**

Please select as many answers as you like

- ☐ The law chosen by the participants to a transaction
- ☐ The law chosen by the network participants
- ☐ The law of the legal entity operating the DLT-based system on which digital assets are recorded
- ☐ In relation to a digital asset of which there is an issuer, the domestic law of the State where the issuer is established
- ☐ The place of the relevant operating authority/administrator (PROPA)
- ☐ The primary residence of the encryption private master keyholder (PREMA)
- ☐ Other

Question 49.3. What is the preferred connecting factor in relation to **system-related aspects related to transactions on a DLT system?**

Please select as many answers as you like

- ☐ The law chosen by the participants to a transaction
- ☐ The law chosen by the network participants
- ☐ The law of the legal entity operating the DLT-based system on which digital assets are recorded
- ☐ In relation to a digital asset of which there is an issuer, the domestic law of the State where the issuer is established
- ☐ The place of the relevant operating authority/administrator (PROPA)
- ☐ The primary residence of the encryption private master keyholder (PREMA)
- ☐ Other

Question 49.4. Would the differences between permissioned and permissionless DLT systems, warrant different rules on conflict of laws)?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 49.4:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 50. Considering various **new types of settlement assets (including tokenised central bank money, electronic money tokens and tokenised commercial bank money) and **the different nature** of native (only created and represented on the DLT) and non-native (existing outside of the DLT) assets, should the same conflict of law rules apply to all these settlement assets?**

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 50:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 51. Are there any other barriers to legal certainty which are not mentioned above?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

3.1.5. Barriers and other aspects under the SFD

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 52. What are the main barriers to the smooth operation of the settlement finality framework in the EU?

Please indicate how many barriers have you identified?

- ☐ 1 barrier
- ☐ 2 barriers
- ☐ 3 barriers

Please justify your answer to question 52, in particular identifying potential risks:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 53. Are there any aspects of the SFD that have created barriers for the market or market participants, in particular in a cross-border environment?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 54. Do the definitions, in particular the definition of a “system” and “transfer orders”, result in barriers related to the change in market practice in the set-up of systems as well as the use of DLT?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 55. Is SFD protection important for settlement systems, such as those based on DLT, that settle trades instantly and atomically, and not on a deferred net basis or in settlement batches?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 55:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 56. Should settlement systems that achieve probabilistic (operational) settlement finality be designated and benefit from SFD protections?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 57. Are the criteria that need to be met for a system to be designated under the SFD creating unjustified barriers to entrance?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 58. Do diverging national practices for notifying systems create an uneven level playing field or legal uncertainty?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 59. For the purposes of designating a system under the SFD, are the current list of participants, the designation process and the focus on entities rather than on the service provided creating barriers for new entities to provide settlement services in a system designated under that Directive?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 60. Does the non-aligned definition of 'collateral security' (SFD) and 'financial collateral' (FCD) create complexities for efficient collateral management?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

How many barriers to efficient collateral management have you identified?

- ☒ 1 barrier
- ☐ 2 barriers
- ☐ 3 barriers

Barrier 1 - Efficient collateral management

| | Describe barrier 1 to efficient collateral management |
|---|---|
| Explanation of the barrier | |
| Reason(s) why it is a barrier | |
| Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level) | |
| Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant | |
| Operational requirements that create the barrier (national or EU level) | |
| Technical/technological aspect(s) related to the barrier, if relevant | |
| Member State(s) in which the barrier exists, if relevant | |
| Estimation of the costs of the barrier | |
| | |

Potential solution(s) to remove or lower the barrier, **in descending order of importance**

Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).

Data on the potential costs and benefits of the suggested solution(s)

In general, our members are supportive of efforts to harmonise definitions of key terms across EU legislation and regulation.

Assess the priority level for addressing barrier 1 to efficient collateral management:

- ☐ High priority
 - ☐ Medium priority
 - ☐ Low priority
 - ☐ Don't know / no opinion / not applicable
-

Question 61. Is there legal certainty on the scope of the settlement finality protection under SFD?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 61:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 62. Is the lack of harmonised settlement finality moments in SFD (i.e. leaving it to the rules of the system or national law) creating legal uncertainty and preventing the development of a single capital market?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 63. The SFD does not apply to third-country systems, however, Member States can extend the protections in the SFD to domestic institutions participating directly in third-country systems and to any relevant collateral security ('extension for third-country systems').

Is the lack of transparency related to Member States extending for third-country systems creating barriers to the provision of services in the single market or creating a non-level playing field for EU entities?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 64. Stakeholders have indicated they would like to have an overview of all participants in different SFD designated systems, e.g. shared on one website publicly accessible.

Is the lack of transparency related to the participants of designated systems creating barriers to the single market?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 65. Has the fact that SFD designation is not mandatory for all systemically important systems (except when mandated under Art. 2(1) and 2 (10) CSDR and Art. 17(4)(b) EMIR), including payment systems, created barriers to the single market?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 66. Are there any national barriers in relation to legal certainty arising from how the SFD is transposed in the Member States?

- ☒ Yes
- ☐ No

- ☐ Don't know / no opinion / not applicable

How many barriers to legal certainty arising from the SFD transposition have you identified?

- ☒ 1 barrier
- ☐ 2 barriers
- ☐ 3 barriers

Barrier 1 - Legal certainty arising from the SFD transposition

| | Describe barrier 1 to legal certainty arising from the SFD transposition |
|---|--|
| Explanation of the barrier | <p>On the occasion of the implementation of the SFD, the Italian legislator introduced in the relating Legislative Decree 12 April 2001, n. 210 a statutory right of retention to the benefit of the settlement agents, which was (and still is) an evolution of the statutory right of retention assigned by the Italian Civil Code to the agent.</p> <p>Article 6(1) of the mentioned Legislative Decree substantially provides that: (i) in case of insolvency of an intermediary whose orders are settled by a participant in the settlement system (settlement agent), the agreement between the intermediary and the settlement agent does not terminate (in order to reflect the settlement agent's obligation to settle the orders vis-à-vis the settlement system) and the liquidator replaces the intermediary in that agreement until complete performance; (ii) should the liquidator fail to perform its obligations (essentially to deliver the cash or the securities necessary to settle the intermediary's orders), the settlement agent, in derogation of any other applicable law, is entitled to retain any cash amount, or sell and retain the consideration of any securities, received from the settlement system in relation to the intermediary's settled orders, acting in good faith, to cover its exposure deriving from the liquidator's failure.</p> |
| Reason(s) why it is a barrier | |
| Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level) | |
| Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant | |
| Operational requirements that create the barrier (national or EU level) | |
| | |

| | |
|--|--|
| Technical/technological aspect(s) related to the barrier, if relevant | |
| Member State(s) in which the barrier exists, if relevant | |
| Estimation of the costs of the barrier | |
| <p>Potential solution(s) to remove or lower the barrier, in descending order of importance</p> <p>Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).</p> | <p>The settlement agents' statutory right of retention has greatly contributed to the limitation of the credit risk in the Italian settlement system and its adoption in all Member States would be beneficial in a T+1 scenario to reduce late matching without increasing credit risk.</p> |
| Data on the potential costs and benefits of the suggested solution(s) | |

Assess the priority level for addressing barrier 1 to legal certainty arising from the SFD transposition:

- ☐ High priority
 - ☐ Medium priority
 - ☐ Low priority
 - ☐ Don't know / no opinion / not applicable
-

Question 67. Some stakeholders suggested a centralised overview over the insolvency of participants of all SFD designated systems is needed, ie. published on a common centralised website.

Is a lack of transparency related to the insolvency of participants of designated systems creating barriers to the single market?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 68. Are there any other barriers created by the SFD which are not mentioned above?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 69. How should irrevocability of “reserved” or “booked” digital assets be achieved?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 70. Is the point in time when a disposition becomes irrevocable problematic to pinpoint in DLT-based settlement systems, and in particular those with probabilistic settlement?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 70:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

3.2. Barriers to the application of new technology and new market practices

3.2.1. Applicability of the CSDR to DLT-based CSDs and the provision of services

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 71. Considering the core functions of a CSD, i.e. those of notary, central maintenance and settlement, is the current legal framework appropriate to mitigate and control risks that could arise from the use of DLT?

- ☐ Yes
- ☐ No
- ☒ Don't know / no opinion / not applicable

Please explain your answer to question 71:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

In the absence of significant experiences on DLT-based instruments, their centralisation, trading and settlement, it appears challenging to comment on the appropriateness of the current legal and regulatory framework to mitigate and control risks.

Question 72. What are the main barriers in the EU framework to the use of DLT for the provision of CSD services, also in light of the experience gained through the DLTPR?

Please select as many answers as you like

- ☐ legal or regulatory requirements (or lack thereof)
 - ☐ fiscal requirements
 - ☐ supervisory practice
 - ☐ market practice
 - ☐ operational requirements
 - ☐ differences in national legal, regulatory or operational requirements
 - ☐ technical/technological aspects
 - ☐ other
-

Question 73. Are there any legal barriers to ensure the integrity of the issue, segregation and custody requirements also in the context of DLT-based issuance and settlement?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 74. Does the definition of cash need to be refined to take into account technological developments affecting the provision of cash, in particular the emergence of tokenised central bank money, tokenised commercial bank money and electronic money tokens?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 75. Could the use of DLT help reduce the reporting burden?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 75:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 76. Would a per-service authorisation of CSD services, with compliance requirements proportionate to the risk of the individual service, make the CSDR more technologically neutral and contribute to removing barriers to adoption of new technologies, such as DLT?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 76:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 77. Are there any legal barriers for DLT service providers in providing trading, settlement and clearing in an integrated manner, within one entity?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 78. Are there any other barriers that you consider relevant for the DLT based provision of CSD services?

- ☐ Yes
- ☐ No

- ☐ Don't know / no opinion / not applicable
-

Question 79. In particular in permissionless blockchains, validators have the ability to choose which transactions to prioritise for validation and decide on the order of transaction settlement.

Can this feature negatively affect orderly settlement and how can it be mitigated?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 79:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 80. Does the emergence of DLT-based tokenised financial instruments require changes to the provision of CSD services or the requirement to use a CSD?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable
-

Question 81. Can certain functions normally assigned to or reserved for a CSD be safely, securely and effectively be performed by other market participants in a DLT environment?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

3.2.2. Detailed questions on the applicability of the CSDR and SFD to DLT-based CSDs

Question 82. Are there barriers or concerns with the technological neutrality of the CSDR definitions listed below or any other definitions or concepts included in CSDR and SFD in particular in the context of DLT?

| | 1 (not a concern) | 2 (rather not a concern) | 3 (neutral) | 4 (rather a concern) | 5 (strong concern) | Don't know - No opinion - Not applicable |
|---|-----------------------|-----------------------------|-----------------------|-------------------------|-----------------------|--|
| Central securities depository | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Securities settlement system | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Securities account | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Book entry form | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Dematerialised form | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Settlement | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Delivery versus payment (DVP) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Any other definitions or concepts in CSDR and SFD | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Question 83. Would you have any concerns about the technological neutrality of the following CSDR rules?

| | 1 (not a concern) | 2 (rather not a concern) | 3 (neutral) | 4 (rather a concern) | 5 (strong concern) | Don't know - No opinion - Not applicable |
|--|-----------------------|-----------------------------|-----------------------|-------------------------|-----------------------|--|
| Rules on measures to prevent settlement fails | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules on measures to address settlement fails (e.g. cash penalties, monitoring and reporting settlement fails) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules on organisational requirements for CSDs | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules on outsourcing of services or activities to a third party | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules on communication procedures with market participants and other market infrastructures | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules on the protection of securities of participants and those of their clients | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules regarding the integrity of the issue and appropriate reconciliation measures | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules on cash settlement | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules on requirements for participation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules on requirements for CSD links | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | | | | | | |

| | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Rules on access between CSDs and access between a CSD and another market infrastructure | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules on legal risks, in particular as regards enforceability | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Any other rules | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

3.3. Barriers and other aspects under the FCD

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 84. What are the main barriers to the integration of EU markets and /or consolidation of financial market infrastructures related to the FCD?

How many barriers have you identified?

- ☐ 1 barrier
 - ☐ 2 barriers
 - ☐ 3 barriers
-

Question 85. Is there sufficient clarity regarding the use of tokenised assets as financial collateral in the context of financial collateral arrangements under the FCD?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 85:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 86. In the last FCD consultation, the addition re-insurers, alternative investment funds (AIF), institutions for occupational retirement provision (IORPs), crypto-asset service providers, all non-natural persons, non-financial market participants which regularly enter into physically or financially settled forward contracts for commodities or EU allowances (EUAs) was suggested by stakeholders. It was also asked if payment institutions, e-money institutions and CSDs should be added to the scope.

Please provide any views you may have of one or several of the suggested potential additional participants:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 87. Are there barriers **related to the scope of the FCD** (i.e. parties eligible as collateral taker and collateral provider, definition of financial collateral, definition of cash)?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

How many barriers related to the scope of the FCD have you identified?

- ☒ 1 barrier
- ☐ 2 barriers
- ☐ 3 barriers

Barrier 1 - Scope of the FCD

| | Describe barrier 1 related to the scope of the FCD |
|--|---|
| Explanation of the barrier | <p>Article 1(1)(o) of the FCD defines “credit claims” as “pecuniary claims arising out of an agreement whereby a credit institution [...] grants credit in the form of a loan”.</p> <p>Accordingly, credit claims may be treated as financial collateral under the FCD only if originated by a banking (or equivalent) loan. In other words, only banks (and other selected financial institutions) may post credit claims as financial collateral to secure their own debts. In fact, Recital (5) of Directive 2009/44, which introduced credit claims in the FCD, explains that the European Central Bank decided to introduce credit claims as an eligible type of collateral for Eurosystem credit operations from 1 January 2007. In order to maximise the economic impact of the use of credit claims, the European Central Bank recommended an extension of the scope of the FCD.</p> <p>Our members would recommend extending credit claims outside the scope of the Eurosystem, as they could be eligible collateral also when originated by other institutional entities providing credit, such as credit funds, financial intermediaries, insurance companies, and securitisation SPVs.</p> <p>In addition, the collateral market is progressively extending to receivables originated by commercial transactions, which means that the credit reflects a payment obligation as consideration of a good or a service, rather than a loan repayment obligation.</p> <p>The FCD requires that one party of the financial collateral arrangement be a financial institution, but this requirement shall not necessarily be extended to the underlying arrangement originating the financial collateral.</p> |
| Reason(s) why it is a barrier | |
| Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level) | |
| | |

| | |
|--|--|
| Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant | |
| Operational requirements that create the barrier (national or EU level) | |
| Technical/technological aspect(s) related to the barrier, if relevant | |
| Member State(s) in which the barrier exists, if relevant | |
| Estimation of the costs of the barrier | |
| <p>Potential solution(s) to remove or lower the barrier, in descending order of importance</p> <p>Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).</p> | <p>An extension of the scope of “credit claims” to (i) credits originated by lenders which are not banks (or entities under Article 1(1)(o) of the FCD) but other financial institutions, plus (ii) credit originated by commercial transactions which do not necessarily involve a financial institution, would be advisable.</p> <p>This extension seems in line with the introduction by the ECB of the new ECMS-Eurosystem Collateral Management System’s platform (effective from June 2025), which will accept loan-by-loan credit pools within the overall guarantee pool of the financial institution.</p> |
| Data on the potential costs and benefits of the suggested solution(s) | |

Assess the priority level for addressing barrier 1 related to the scope of the FCD:

- ☐ High priority
 - ☐ Medium priority
 - ☐ Low priority
 - ☐ Don't know / no opinion / not applicable
-

Question 88. Do you see legal uncertainty related to the recognition of tokenised financial instruments as collateral under the FCD?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 88 and describe these uncertainties:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 89. Do the definitions and concepts in the FCD, including the notion of 'possession and control', 'accounts' and 'book-entry' result in barriers or legal uncertainty, e.g. due to the change in market practices, the use of DLT?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 89:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 90. Is the list of collateral providers and collateral takers limiting the applicability of the FCD in a detrimental manner for DLT-based financial collateral arrangements?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 90:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 91. Do you think that collateral other than cash, financial instruments and credit claims should be made eligible under the FCD, in particular in light of DLT based financial collateral arrangements?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 92. Do you see the need to change the current approach that only financial collateral arrangements should be protected where at least one of the parties is a public authority, central bank or financial institution?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 92:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 93. Is the non-aligned definition of ‘collateral security’ under the SFD and ‘financial collateral’ under the FCD creating barriers?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 94. Are the opt-out provisions for Member States creating any barriers to the single market?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 95. Have you encountered problems with the recognition /application of close-out netting provisions under the FCD (both national and cross-border)?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 96. As noted in the [Commission report on the review of SFD and FCD \(COM\(2023\)345 final\)](#), given the FCD deals primarily with financial collateral and only peripherally with netting (only as one of the methods that can be used to enforce collateral arrangements), do you consider that there is a need for further harmonisation of the treatment of contractual netting in general and close-out netting in particular?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 96:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 97. Are there any **other barriers created by the FCD which are not mentioned above?**

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

How many other barriers created by the FCD have you identified?

- ☒ 1 barrier
- ☐ 2 barriers
- ☐ 3 barriers

Barrier 1 - Other barriers created by the FCD

| | Describe other barrier 1 created by the FCD |
|---|--|
| Explanation of the barrier | <p>Under Article 4(4) of the FCD, enforcement, right of use, recognition of title transfer and of close-out netting “shall be without prejudice to any requirements under national law to the effect that the realisation or valuation of financial collateral and the calculation of the relevant financial obligations must be conducted in a commercially reasonable manner”. The expression “commercially reasonable manner” has created a certain degree of uncertainty in the Italian market with respect to financial collateral without a given market value. Article 8 of Legislative Decree 21 May 2004, n. 170, implementing the FCD in Italy, has introduced a presumption of reasonableness when the contractual conditions agreed by the parties for realisation of the financial collateral are conforming to the contractual schemes indicated by Bank of Italy and Consob in line with international standards. Other than in specific cases related to credit positions of Bank of Italy, we are not aware of disclosed contractual schemes under Article 8 above.</p> |
| Reason(s) why it is a barrier | |
| Specific legal requirement(s) that create(s) the barrier, if relevant (national or EU level) | |
| Supervisory or market practice(s) (national or EU level) that create the barrier, if relevant | |
| Operational requirements that create the barrier (national or EU level) | |
| Technical/technological aspect(s) related to the barrier, if relevant | |
| | |

| | |
|--|--|
| Member State(s) in which the barrier exists, if relevant | |
| Estimation of the costs of the barrier | |
| <p>Potential solution(s) to remove or lower the barrier, in descending order of importance</p> <p>Suggestions for solutions can include for instance legislative changes (specifying which changes are being suggested), use of supervisory convergence tools (specifying which tools are being suggested), centralised EU supervision, adoption of market practice(s).</p> | <p>It could be appropriate to elaborate at the UE level certain criteria of “commercial reasonableness” to avoid uncertainty and reduce diversity among Member States.</p> |
| Data on the potential costs and benefits of the suggested solution(s) | |

Assess the priority level for addressing other barrier 1 created by the FCD:

- ☐ High priority
- ☐ Medium priority
- ☐ Low priority
- ☐ Don't know / no opinion / not applicable

Question 98. If there is any other issues you would like to address regarding FCD financial collateral in a DLT environment, please describe them:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

3.4. Uneven/inefficient market practices and disproportionate compliance costs

3.4.1. Internalised settlement

Question 99. Does the current reporting obligation of internalised settlement allow for an accurate identification of the risks stemming from settlement outside of a CSD?

- ☒ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 99:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Our members do not see the need for additional information to be included in the internalised settlement reporting.

Question 99.4. What would be the cost implications of such additional reporting?

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 100. Should settlement internalisers with very high internalised settlement activity (in terms of value and volume) be required to publish information on their internalised settlement activity including settlement fail rates (similar to the annual data on settlement fails published by CSDs)?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 100:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 101. Would you identify additional risks other than operational and legal risks stemming from internalised settlement?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 101:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 102. Should some/all rules pertaining to settlement discipline and /or other CSDR requirements currently applicable to settlement at CSD level be also applicable to internalised settlement?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 102:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

3.4.2. Information sharing

Question 103. Is the role of the CSDR college as envisaged in CSDR refit sufficient to ensure efficient and complete information sharing between different authorities under CSDR?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 104. Are there barriers to information sharing between authorities and/or authorities/market participants that hinder the smooth provision of CSD services and the supervision thereof?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 105. Are there duplications and/or overlaps in the reporting requirements between national, European competent or relevant authorities?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

3.4.3. Authorisation procedures

Question 106. Is the authorisation procedure for CSDs too long and/or burdensome?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 107. Is the procedure for the extension of CSD authorisation and for outsourcing of services and activities too long and/or burdensome?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 108. Is the procedure for the authorisation to provide banking ancillary services too long and/or burdensome?

- ☐ Yes
 - ☐ No
 - ☐ Don't know / no opinion / not applicable
-

Question 109. Are the current authorisation/supervisory approval processes under CSDR suitable, or could it benefit from some refinements/streamlining and/or clarifications?

- ☐ the current approval processes are suitable
- ☐ the current approval processes could benefit from some refinements /streamlining and/or clarifications
- ☐ Don't know / no opinion / not applicable

Please explain your answer to question 109.

If you consider that there is an issue, please clearly describe the issue, which legal, regulatory or operational requirements should be amended to resolve it, the solution(s) you have in mind to resolve it (including drafting suggestions, where possible), and the potential impact of the solution(s) you propose:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Question 110. Are the current authorisation processes/supervisory approval under CSDR creating legal barriers for (potential) new entrants wishing to provide CSD services?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 111. Do you consider that market participants, who provide only one core service (for example, notary, central maintenance or settlement) should be covered by some/all elements of CSDR?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

Question 112. Could there be benefits to a tiered authorisation (i.e. per service) for CSDs being introduced, e.g. to enable the requirements to reflect the different nature of different core services?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

3.5. Interaction between the CSDR and other EU legislation

Question 113. Are there are issues between the CSDR and other EU legislation?

- ☐ Yes
- ☐ No
- ☐ Don't know / no opinion / not applicable

3.6. Other issues on post-trading

Question 114. Other matters that could potentially contribute to removing barriers to the consolidation of post-trading infrastructure, to improving the EU's capital markets attractiveness while reducing fragmentation and to improving integration in post-trade services might also be important.

Please provide any further suggestions to improve the integration, competitiveness, and efficiency of post-trade services (including clearing and settlement) in the EU. Please provide supporting evidence for any suggestions:

5000 character(s) maximum

including spaces and line breaks, i.e. stricter than the MS Word characters counting method.

Additional information

Should you wish to provide additional information (e.g. a position paper, report) or raise specific points not covered by the questionnaire, you can upload your additional document(s) below. **Please make sure you do not include any personal data in the file you upload if you want to remain anonymous.**

The maximum file size is 1 MB.

You can upload several files.

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

Useful links

More on this consultation (https://finance.ec.europa.eu/regulation-and-supervision/consultations-0/targeted-consultation-integration-eu-capital-markets-2025_en)

Consultation document (https://finance.ec.europa.eu/document/download/8c77fb5f-4fe6-4fa0-8fe6-293a94c43b26_en?filename=2025-markets-integration-supervision-consultation-document_en.pdf)

More on savings and investments union (https://finance.ec.europa.eu/regulation-and-supervision/savings-and-investments-union_en)

Specific privacy statement (https://finance.ec.europa.eu/document/download/0509b999-58ff-40e0-a1d0-dd723da2b7df_en?filename=2025-markets-integration-supervision-specific-privacy-statement_en.pdf)

Contact

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