

14 July 2020

Circular on Updates to the Q&As on Regulation (EU) N° 648/2012 - the European Market Infrastructure Regulation ('EMIR' / the 'Regulation')

Introduction

This Circular is being addressed to all market participants, particularly entities who enter into derivative contracts and which fall within the scope of EMIR, namely, financial and non-financial counterparties as defined in Article 2 of EMIR.

This Circular should be read in conjunction with the Regulation, its Delegated Regulations and previous Circulars issued by the Authority.

Purpose of the Circular

The Authority would like to inform market participants that the European Securities and Markets Authority ('ESMA') has updated its [Q&A document](#) on practical questions regarding data reporting issues, under EMIR (the 'Q&A').

The purpose of this Q&A is to promote common supervisory approaches and practices in the application of EMIR. It provides responses to questions posed by the general public, market participants and competent authorities in relation to the practical application of the Regulation. This document aims to ensure that the supervisory activities of the competent authorities under the Regulation are converging along the lines of the responses adopted by ESMA. It should also help investors and other market participants by providing clarity on reporting requirements.

Updates to the Q&A document

The updated Q&A, specifically Question 11(b), clarifies that the counterparties should follow their local time and the relevant calendar of their Member State to specify the "working day" in the context of determining the deadline for reporting under EMIR. This clarification should be applied even if the two counterparties to the same derivative follow different calendars and/or are located in different time zones, meaning that each counterparty should follow its own local calendar and use the local time to determine the deadline for reporting.

Contacts

Should you have any queries on the above, please do not hesitate to contact the Authority's EMIR team on EMIR@mfsa.mt for any further clarifications.