

13 July 2022

## Circular on Regulation N<sup>o</sup> 648/2012 – The European Market Infrastructure Regulation ('EMIR'/the 'Regulation')

### - Consultation Paper on the Extension of Scope of the Clearing Obligation and the Derivatives Trading Obligation

On 11 July 2022, ESMA issued a [Consultation Paper](#) with the aim of exploring the extension of the scope of both the Clearing Obligation (CO) and the Derivatives Trading Obligation (DTO).

#### Overview

ESMA's proposal includes:

- The introduction of the overnight indexed swap (OIS) class referencing TONA (JPY) for the CO;
- The expansion of the maturities in scope of the CO for the OIS class referencing SOFR (USD) for the CO; and
- The introduction of certain classes of OIS referencing €STR (EUR) for the DTO, which have shown a substantial increase in liquidity over the last months.

In November 2021, ESMA published [a first set of technical standards on the CO](#) and DTO amending the respective scopes of these two obligations in view of the benchmark transition, which [entered into force](#) in May 2022.

All interested stakeholders are invited to respond to this consultation. In particular, responses are sought from financial and non-financial counterparties to derivatives, central counterparties (CCPs) and TRs.

The MFS A encourages interested parties to participate in the ESMA consultation process. Comments should be submitted online at [www.esma.europa.eu](http://www.esma.europa.eu) under the heading 'Your input - Consultations' by **not later than 30 September 2022**. All contributions received will be published following the end of the consultation period, unless otherwise requested. The contributions should also be forwarded to the Authority on the undermentioned email address.

Please be guided accordingly.

Should you have any queries in relation to the above, please do not hesitate to contact the Authority on [EMIR@mfsa.mt](mailto:EMIR@mfsa.mt).