European Securities and Markets Authority

Annual Report – 2022

On the application of waivers and deferrals

21 November 2022 | ESMA70-156-6093

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Acronyms used

APA	Approved Publication Arrangement
BAP	Best Available Price
CP	Consultation Paper
EC	European Commission
EEA	European Economic Area
EFP	Exchange for Physical
ESMA	European Securities and Markets Authority
ETF	Exchange Traded Fund
EU	European Union
FITRS	Financial Instruments Transparency System
FR	Final Report
FX	Foreign Exchange
IF	Investment Firm
ILQ	Illiquid
LIS	Large in Scale
MIC	Market Identifier Code
MiFID I	Directive 2004/39 of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directive 85/611/EC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC
MIFID II	Directive 2014/65/EU of the European Parliament and the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU
MiFIR	Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012
MTF	Multilateral Trading Facility
NCA	National Competent Authority
NT	Negotiated Transaction
OMF	Order Management Facility
OTC	Over the Counter
OTF	Organised Trading Facility

Q&A	Questions and Answer
RFQ	Request for Quote
RM	Regulated Market
RP	Reference Price
RTS	Regulatory Technical Standard
RTS 1	Commission Delegated Regulation (EU) 2017/587
RTS 2	Commission Delegated Regulation (EU) 2017/583
SAP	Simple Average Price
SFP	Structured Finance Product
SI	Systematic Internaliser
SSTI	Size Specific to the Instrument
WAP	Weighted Average Price

1 Executive Summary

Reasons for publication

Articles 4(4) and 9(2) of MiFIR require ESMA to monitor the application of pre-trade transparency waivers and to submit an annual report to the European Commission (EC) on how equity and non-equity waivers are applied in practice. Articles 7(1) and 11(1) of MiFIR require ESMA to monitor the application of deferred trade-publication and to submit an annual report to the EC on how they are used in practice.

This annual report therefore includes an analysis based on waivers for both equity and non-equity instruments for which ESMA issued an opinion to the competent authority (CA) in the period between 1 January and 31 December 2021 and includes an overview of the deferral regime applied by CAs. As for previous years, for non-equity instruments ESMA carried out a data collection exercise directed to trading venues aiming at gathering quantitative data on a limited set of asset classes and information on how waivers and deferrals are applied in practice. With respect to equity (and equity-like) instruments, ESMA has analysed the use of waivers and deferrals leveraging on Financial Instruments Transparency System (FITRS) data which provide an overview of the overall trading activity executed in the EEA.

Disclaimer on data quality issues

As in the previous reports, ESMA reiterates the need for a more granular reporting to FITRS for non-equity instruments, including the necessary information on waivers, in order to perform a comprehensive and recurrent data quality checks. To that end, ESMA considers that MiFIR should be amended as to include a legal basis for ESMA to request data from trading venues on waivers and deferrals for non-equity instruments via FITRS. As explained in section 2.2 of this report, ESMA identified data quality issues in the non-equity data provided via the data collection which led ultimately to the exclusion of the data provided by one relevant trading venue. This was necessary to avoid using inaccurate data which would have provided a misleading picture of the EEA non-equity trading landscape. It should be highlighted that the use of ad-hoc data collections, which are prone to data quality issues given the limited checks that can be performed, renders challenging the comparison of data on the use of waivers and deferrals from one year to another. Despite such limitations, ESMA has tried to provide a meaningful overview of how the different indicators have evolved over the observed period.

As mentioned above, a clear legal mandate in MiFIR requiring trading venues to provide data for the purpose of the assessment of waivers and deferrals would enable ESMA to collect such data via FITRS, including its data quality checks, which would result in better data quality and, in consequence, improve ESMA’s capacity for assessing the use of waivers and deferrals and developments of the trading landscape more generally.

Content and conclusions

Section 2 provides an introduction to the report. Section 3 analyses the application of equity waivers and their use, in terms of volume and number of transactions in EEA trading venues. Section 4 describes the application of the deferral regime to equity instruments on-venue (section 4.1) and off-venue (section 4.2). Section 5 analyses the application of waivers and their use measured in trading volume on EEA trading venues. Section 6 describes instead the application of the non-equity deferral regime.

The conclusions to this report are presented in Section 7.

This fourth report on the application of the waivers and deferral regimes provides a first picture of the European trading landscape, encompassing the net effect of Brexit and the relocation process from the UK to the EU. While UK venues are excluded from the analysis, the results presented in the report suggest that trading under waivers and deferrals is significant specifically for shares and interest rate derivatives. Trading volumes, both in terms of total turnover as well as in the number of transactions, have significantly increased from 2020 to 2021 in the equity space, in light of the “Brexit relocation effect”.

In line with the observations of the last two years, ETFs remain the equity instruments with the highest percentage of “dark” trading with respect to the overall volume traded in ETFs.

Therefore, ESMA maintains the view expressed in the MiFID II/MiFIR for equity instruments[1] to increase the pre-trade transparency threshold for ETFs. With regard to post-trade transparency, deferrals for SSTI and LIS transactions as well as transactions in illiquid instruments were commonly used across trading venues for the different types of non-equity instruments. The application of the discretionary deferral regime across all non-equity instruments by CAs continues resulting in a patchwork of national approaches across the EEA. ESMA reiterates its assessment that the current deferral regime has proven too complex and, in consequence, maintains its recommendation in the MiFID II/MiFIR Review Report for non-equity instruments[2] to amend MiFIR in order to have a simpler and more efficient regime. Similarly, ESMA maintains its proposal to delete the SSTI waiver. In this context, despite the data quality issues identified, the 2021 non-equity data gathered from trading venues suggest that the SSTI waiver was rarely used in practice (only 2% of trading volumes under a waiver were executed under the SSTI waiver).

While ESMA sees merit in providing an overview of the trading volumes executed under waivers and deferrals for non-equity instruments, the use of an ad-hoc data collection has not proven effective. Over the past three years, ESMA has identified a number of data quality issues (further described in Section 2.2) that have distorted the statistics presented in the various annual reports. Based on this experience, ESMA considers that MiFIR should be amended to allow ESMA to request such data from trading venues via FITRS. Should this

[1] https://www.esma.europa.eu/sites/default/files/library/esma70-156-2682_mifidii_mifir_report_on_transparency_equity_dvc_tos.pdf

[2] https://www.esma.europa.eu/sites/default/files/library/esma70-156-3329_mifid_ii_mifir_review_report_on_the_transparency_regime_for_non-equity_instruments.pdf

not be possible, ESMA would not see merit in carrying out a similar exercise for the purpose of the next report and it would only focus its analysis on more qualitative areas.

2 Introduction

2.1 Legal basis

Article 4 of MiFIR

4. Before granting a waiver in accordance with paragraph 1, competent authorities shall notify ESMA and other competent authorities of the intended use of each individual waiver and provide an explanation regarding its functioning, including the details of the trading venue where the reference price is established as referred to in paragraph 1(a). Notification of the intention to grant a waiver shall be made not less than four months before the waiver is intended to take effect. Within two months following receipt of the notification, ESMA shall issue a non-binding opinion to the competent authority in question assessing the compatibility of each waiver with the requirements established in paragraph 1 and specified in the regulatory technical standard adopted pursuant to paragraph 6. Where that competent authority grants a waiver and a competent authority of another Member State disagrees, that competent authority may refer the matter back to ESMA, which may act in accordance with the powers conferred on it under Article 19 of Regulation (EU) No 1095/2010. ESMA shall monitor the application of the waivers and shall submit an annual report to the Commission on how they are applied in practice.

Article 7 of MiFIR

Authorisation of deferred publication

1. Competent authorities shall be able to authorise market operators and investment firms operating a trading venue to provide for deferred publication of the details of transactions based on their type or size.

In particular, the competent authorities may authorise the deferred publication in respect of transactions that are large in scale compared with the normal market size for that share, depositary receipt, ETF, certificate or other similar financial instrument or that class of share, depositary receipt, ETF, certificate or other similar financial instrument.

Market operators and investment firms operating a trading venue shall obtain the competent authority's prior approval of proposed arrangements for deferred trade-publication, and shall clearly disclose those arrangements to market participants and the public. ESMA shall monitor the application of those arrangements for deferred trade-publication and shall submit an annual report to the Commission on how they are applied in practice.

Where a competent authority authorises deferred publication and a competent authority of another Member State disagrees with the deferral or disagrees with the effective application of the authorisation granted, that competent authority may refer the matter back to ESMA, *which may act in accordance with the powers conferred on it under Article 19 of Regulation (EU) No 1095/2010.*

Article 9 of MiFIR

2. Before granting a waiver in accordance with paragraph 1, competent authorities shall notify ESMA and other competent authorities of the intended use of each individual waiver and provide an explanation regarding their functioning. Notification of the intention to grant a waiver shall be made not less than four months before the waiver is intended to take effect. Within two months following receipt of the notification, ESMA shall issue an opinion to the competent authority in question assessing the compatibility of the waiver with the requirements established in paragraph 1 and specified in the regulatory technical standards adopted pursuant to paragraph 5. Where that competent authority grants a waiver and a competent authority of another Member State disagrees, that competent authority may refer the matter back to ESMA, which may act in accordance with the powers conferred on it under Article 19 of Regulation (EU) No 1095/2010. ESMA shall monitor the application of the waivers and submit an annual report to the Commission on how they are applied in practice.

Article 11 of MiFIR

Authorisation of deferred publication

1. Competent authorities shall be able to authorise market operators and investment firms operating a trading venue to provide for deferred publication of the details of transactions based on the size or type of the transaction.

In particular, the competent authorities may authorise the deferred publication in respect of transactions that:

(a) are large in scale compared with the normal market size for that bond, structured finance product, emission allowance or derivative traded on a trading venue, or for that class of bond, structured finance product, emission allowance or derivative traded on a trading venue; or

(b) are related to a bond, structured finance product, emission allowance or derivative traded on a trading venue, or a class of bond, structured finance product, emission allowance or derivative traded on a trading venue for which there is not a liquid market;

(c) are above a size specific to that bond, structured finance product, emission allowance or derivative traded on a trading venue, or that class of bond, structured finance product,

emission allowance or derivative traded on a trading venue, which would expose liquidity providers to undue risk and takes into account whether the relevant market participants are retail or wholesale investors.

Market operators and investment firms operating a trading venue shall obtain the competent authority's prior approval of proposed arrangements for deferred trade-publication, and shall clearly disclose those arrangements to market participants and the public. ESMA shall monitor the application of those arrangements for deferred trade-publication and shall submit an annual report to the Commission on how they are used in practice.

1. MiFIR requires ESMA to monitor the application of waivers and the arrangements for deferred publication for equity and non-equity instruments and to submit an annual report to the Commission. This report summarises how waivers and deferrals were used in practice for equity and non-equity instruments in 2021.

2.2 Data quality issues

2. As per last year, ESMA carried out a data collection exercise directed to trading venues to gather quantitative information on the use of waivers and deferrals for non-equity instruments, while it relied on FITRS with respect to data on equity (and equity-like) instruments.

3. While the FITRS dataset provides a reliable snapshot of the state of play of the market, the use of an ad-hoc data collection directed to trading venues, as also noted in previous years, is prone to data quality issues that might impact the statistics presented in the annual report.

4. First of all, ESMA notes that the number of trading venues responding to the data collection exercise varies across the different years. Secondly, it has been the case that some relevant trading venues were not able to provide a precise breakdown of the turnover executed under the different types of waivers (or deferrals). Furthermore, ESMA noted over the past years different interpretations of trading venues of which trades to include in the trading volume, on the instrument classification as well as on how to calculate the notional amount traded which contributed to data quality issues.

5. While ESMA has been able to address some of the issues over the last years, ESMA still sees merit in working towards a solution to overcome those issues for the future exercises. ESMA reiterates the view presented in the last two annual reports where it was highlighted that a more granular reporting to the existing IT system (FITRS), including the necessary information on waivers, should be envisaged. ESMA considers that MiFIR should be amended as to allow ESMA to receive data on non-equity waivers and deferrals from trading venue via FITRS.

6. This is already partially the case for equity and equity like instruments and ESMA considers that more granular information per wavier type should be available in FITRS to allow to perform a holistic and consistent analysis and perform comprehensive and recurrent data quality checks.

7. In addition to the general issues flagged above, in the context of this year's exercise, ESMA noticed that a trading venue provided volumes which were clearly not coherent with those reported by the same venue last year and inconsistent with data submitted to FITRS for the transparency calculation. In consequence, ESMA did not include the data of this trading venue in its analysis. Considering that the venue has a relevant weight on the EEA trading landscape, especially with respect to sovereign bonds, the above-mentioned issue might have an impact on the statistics presented in the following sections.

3 Application of the waivers for equity and equity-like financial instruments

3.1 Background information

8. Article 3 of MiFIR specifies that market operators and investment firms operating a trading venue shall make public current bid and offer prices and the depth of trading interests at those prices which are advertised through their systems for shares, depositary receipts, ETFs, certificates, and other similar financial instruments traded on a trading venue.

9. Article 4 of MiFIR allows National Competent Authorities (NCAs) to waive the pre-trade transparency obligations on equity and equity-like instruments for market operators and Investment firms subject to meeting certain conditions. In addition, Commission Delegated Regulation (EU) 2017/587 (RTS 1) specifies further technical requirements for each type of waiver. In particular:

10. Article 4(1)(a) of MiFIR provides that the reference price waiver (RP) can be used when systems match orders based on a trading methodology by which the reference price of the financial instrument is derived from the trading venue where that financial instrument was first admitted to trading or the most relevant market in terms of liquidity, where that reference price is widely published and is regarded by market participants as a reliable reference price.

11. Article 4(1)(b) of MiFIR provides that the negotiated transactions waiver (NT) can be used when systems formalise negotiated transactions which are:

    a) for liquid instruments made within the current volume weighted spread reflected on the order book or the quotes of the market makers of the trading venue operating that system, subject to the conditions set out in Article 5 of MiFIR (NT1);

b) for illiquid instruments dealt within a percentage of a suitable reference price, being a percentage and a reference price set in advance by the system operator (NT2); or

c) subject to conditions other than the current market price of that financial instrument (NT3).

12. Article 4(1)(c) of MiFIR provides that the large in scale waiver (LIS) can be used when orders are large in scale compared with normal market size.

13. Article 4(1)(d) of MiFIR provides that the order management facility waiver (OMF) can be used when orders are held in an order management facility of the trading venue pending disclosure.

14. Article 4(4) of MiFIR provides that before granting a waiver, NCAs shall notify, not less than four months before the waiver is intended to take effect, ESMA and other NCAs of the intended use of each individual waiver and provide an explanation regarding its functioning. Within two months following receipt of the notification, ESMA shall issue a non-binding opinion to the NCA in question assessing the compatibility of each waiver with MiFIR and RTS 1.

15. When issuing such opinions, ESMA and NCAs have encountered several challenges on the practical application of the legislative text. Therefore, with a view to clarify certain aspects contained in both Level 1 and Level 2, ESMA has published questions and answers (Q&As)[3] related to transparency and pre-trade transparency waivers issues that are relevant for stakeholders and market participants as well as an Opinion providing further guidance on pre-trade transparency waivers[4].

16. Article 4(4) of MiFIR further requires ESMA to monitor the application of the waivers and to submit an annual report to the European Commission on how equity waivers are applied in practice. This report serves such purpose and includes an analysis based on waivers for which ESMA issued an opinion in 2021.

3.2 Analysis 1: Statistics on the number of waivers

17. In 2021, ESMA received 3 new waiver notifications from 2 EEA countries compared to 19 waiver notifications from 5 EEA countries in 2020.

18. Considering waiver requests received before 1 January 2021 and assessed in the period between 1 January and 31 December 2021, ESMA issued in total 4 opinions, compared to a total of 29 opinions in 2020. In all 4 cases, the proposed waiver functionality was deemed compliant with MiFIR and RTS 1 requirements.

[3] https://www.esma.europa.eu/sites/default/files/library/esma70-872942901-35_qas_transparency_issues.pdf

[4] https://www.esma.europa.eu/sites/default/files/library/esma70-155-6641_opinion_on_the_assessment_of_pre-trade_transparency_waivers.pdf

19. Considering the low number of waivers processed by ESMA in 2021, the analysis that can be performed as well as the comparison with previous years is rather limited. Nevertheless, the following paragraphs provide some statistics taking as a basis the waivers processed over the observation period.

20. The 4 waiver notifications for which ESMA issued an opinion in 2021 are the basis of the statistics presented in Annex I - Tables Equity Waivers and which are further analysed in this section.

21. Out of the 4 waiver notifications processed, 2 waivers were for a single waiver type and 2 for a combination of waivers[5]. Both applications for a single type of waiver were for LIS and the 2 combinations (one NT1 and one RP) were also both combined with the LIS waiver. As already mentioned, the distribution of waiver types is relatively different from the one of previous years, because in 2019 and 2020 ESMA issued respectively 77 and 29 opinions and therefore the sample was more significative[6].

22. Notifications for waivers in equity and equity-like instruments processed in 2021 were submitted by the Netherlands (2 LIS notifications), France (1 RP + LIS notification) and Germany (1 NT1 + LIS notifications).

23. In terms of types of instruments for which waivers were processed in 2021, 3 out of the 4 waivers included shares and ETFs, 2 waivers included other instruments treated as shares (including subscription rights, paid subscribed shares and interim shares) and depositary receipts.[7] The lower number of notifications processed in 2021 does not allow for a meaningful comparison with previous years. However, it is worth highlighting that in 2020, 2019 and 2018 waivers were mainly requested for shares and ETFs

24. 2 waivers were requested for request-for-quote (RFQ) systems, 1 for continuous order books systems and 1 for any other trading system which consisted in a combination of continuous auction and periodic auction (see Table 13 – statistics on trading systems using the waivers).

LIS waivers

25. In 2021, the only single waivers type processed were for LIS waivers (2 in total). In addition, ESMA issued 2 opinions for a combination of waivers with a LIS element (combinations of LIS/RP and LIS/NT1). Out of these 4 waivers, 1 referred to pre-arranged transactions, without specifying the form of the pre-arranged trade, while 3 waiver notifications did not cover pre-arranged transactions.

26. Last but not least, waiver notifications received for LIS used different formulas to

[5] RP and LIS, NT 1 and LIS.
[6] Please note that the total number of opinions considered for the purpose of the Annual Reports varies every year. It is therefore not possible to compare the absolute numbers of opinions issued every year and the comparison hence focusses on relative numbers/percentages.
[7] It shall be noted that the same notification can cover one or more different asset classes.

calculate the size of LIS orders: 2 waivers used the number of instruments multiplied by the quoted price in euros, one quantity multiplied by the limit price and another one volume multiplied by the price.

NT waiver

27. As outlined above, ESMA assessed 1 notification for a waiver for NT (combination of LIS/NT1) for which the current volume weighted spread was calculated from the order book or the quotes of the market makers.

RP waiver

28. With respect to the RP/LIS waiver combination assessed in 2021, the reference price used was the mid-point within the current bid and offer prices only taken from the trading venue where that financial instrument was first admitted to trading under certain circumstances and the most relevant market in terms of liquidity under other circumstances[8].

3.3 Analysis 2: Statistics on the volumes executed under the waivers

29. As last year, ESMA analysed the use of the waivers for equity instruments using FITRS data which provides an overview of the aggregated trading activity executed under all the waivers, with the exception of the OMF waiver which is not reflected in FITRS data.[9]

30. The volumes refer to the trading activity executed on regulated markets (RMs) and multilateral trading facilities (MTFs) only. Differently from last year, data from the Polish trading venues is included since, after the applications of the changes to MiFIR following the European Supervisory Authorities (ESAs) Review, the Polish Financial Supervision Authority (the "KNF") became a delegating NCA in the context of the Delegation Agreement which empowers ESMA to perform the annual transparency calculations.

31. In 2021, trading activity was recorded by 154 segment MICs of RMs and MTFs from 29 different jurisdictions and such data reflects all the waivers in use in 2021, i.e. it includes the trading activity related to all the waivers currently in use and not only to those that were notified and started to be used in 2021.

[8] According to the waiver description, the reference market is the most relevant market in terms of liquidity. In addition, where a financial instrument was first admitted to trading would be determined by country ISIN and listing information available from data vendors or the new issue prospectus of the specific security concerned. In the case of EU dual listings, the most relevant market in terms of liquidity (pursuant to Article 4 of RTS1) would be selected.
[9] Due to a reporting issue, the data in this section does not include the use of the LIS-waiver on Spanish trading venues.

3.3.1 Total turnover and total number of transactions executed in Y2021

32. An important change, as compared to 2020, is the significant surge of the total volume (+54%) as well as of the total number of transactions (+62%). This increase, as presented in Table 1 below, is noteworthy across all asset classes and can be attributed to the "Brexit relocation effect" – i.e. the migration of trading activity from UK trading venues to trading venues that established EU subsidiaries following Brexit. The highlighted market expansion has an important impact on the statistical results presented in this year's report as compared to the one of the previous years.

TABLE 1: PERCENTAGE CHANGE OF TOTAL TURNOVER AND TOTAL NUMBER OF TRANSACTIONS, IN 2021

Instrument type	Total volume, EUR bn	Total volume % change, y-o-y	Total no. of transactions, `000	Total no. of transactions % change, y-o-y
Shares	9,743	54%	1,684,730	62%
ETFs	1,264	57%	39,219	32%
Depositary Receipts	130	74%	21,411	34%
Other equity-like instruments	3	35%	791	44%
TOTAL	**11,141**	**55%**	**1,746,150**	**61%**

33. The effects of these changes on the average size of executed transactions are presented in Table 2 below. More specifically, the average size increased for ETFs (+19%) and depositary receipts (+30%) and slightly decreased for the remaining types of instruments.

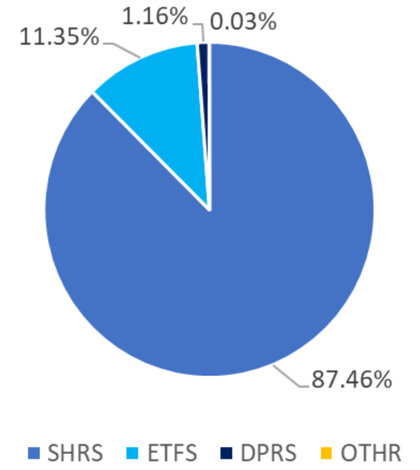
TABLE 2: AVERAGE SIZE OF EXECUTED TRANSACTIONS IN 2021, PER ASSET CLASS

Instrument type	Average transaction size (in EUR)	% change, y-o-y
Shares	5,783	-5%
ETFs	32,239	19%
Depositary Receipts	6,058	30%
Other equity-like instruments	3,745	-6%
TOTAL	**6,380**	**-4%**

34. Furthermore, compared to last year, the split of trading across the different instrument types has remained almost identical: on-venue trading in shares

accounted for 87% of the total turnover in equity instruments, over the period 1 January – 31 December 2021, followed by ETFs (11%). As it can be noted in Figure 1, trading in other equity-like financial instruments (and depositary receipts) was marginal and accounted for only about 1% of the total turnover in equity instruments.

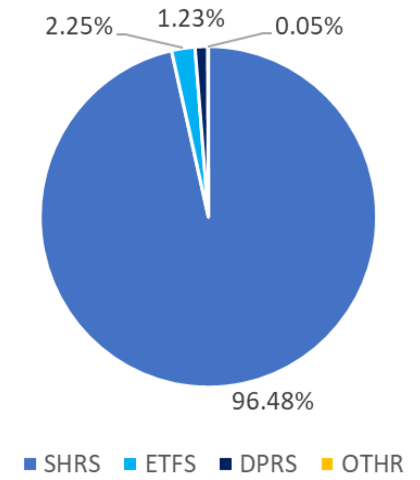
FIGURE 1: TOTAL TURNOVER EXECUTED ON EU TRADING VENUES IN Y2021, PER ASSET CLASS



Source: ESMA, FITRS

35. The predominance of shares is even more evident in the analysis of the total number of transactions in equity instruments where they constituted nearly all (96%) transactions executed in 2021 (see Figure 2).

FIGURE 2: TOTAL NUMBER OF TRANSACTIONS EXECUTED ON EU TRADING VENUES IN Y2021, PER ASSET CLASS



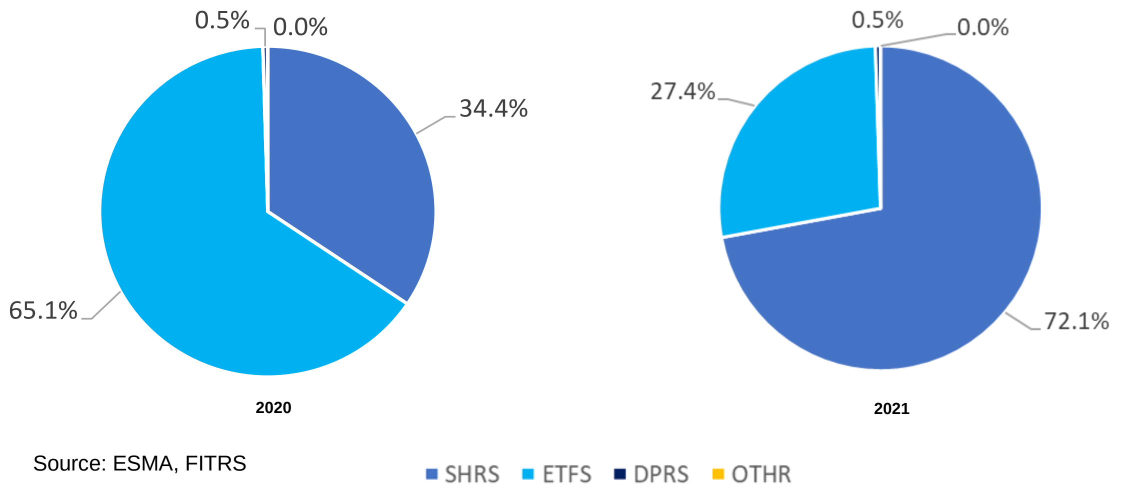
Source: ESMA, FITRS

3.3.2 Total turnover and total number of transactions executed under the waivers in Y2021

36. When analysing the total turnover and the number of transactions traded under a waiver per asset class, shares and ETFs were by far the most traded types of instruments as they together represented 99% both in terms of turnover and total number of transactions executed under a waiver in 2021 (see Figure 3 and Figure 4).

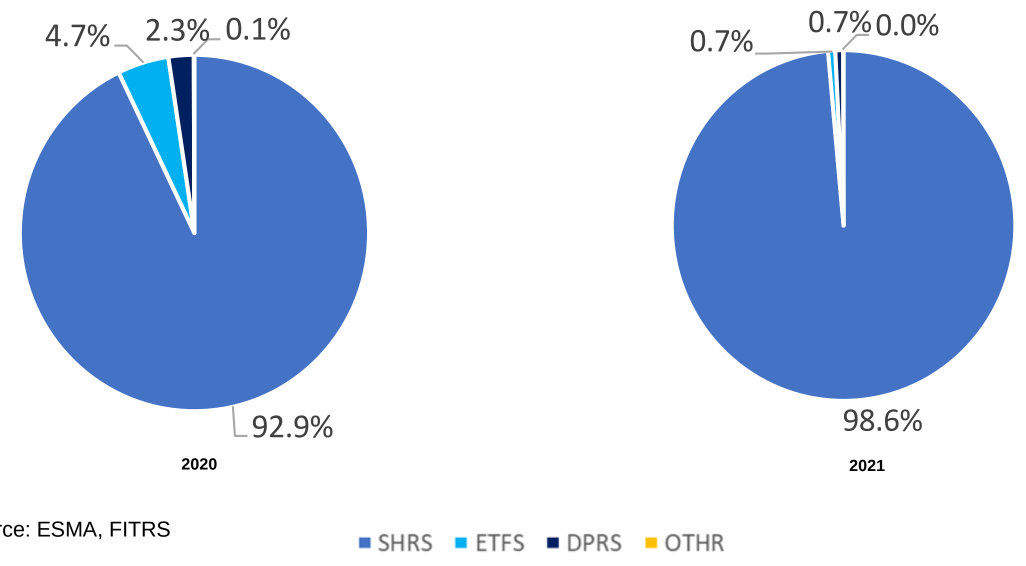
37. However, an important observation to make is that the weight of shares in total turnover (72% in 2021 vs. 34% in 2020) and of ETFs (27% in 2021 vs. 65% in 2020) almost inversed from one year to another. This development derives from the significant surge of the number of transactions in shares (see Figure 3). Precisely, while all asset classes have booked an increase compared to the previous year, in case of shares the surge was for around 900% for the number of transactions and 1000% for the volume (see Figure 5). As already noted above, this evolution can be attributed to the "Brexit relocation effect".

FIGURE 3: TOTAL TURNOVER EXECUTED UNDER A WAIVER IN Y2021 VS. Y2020, PER ASSET CLASS



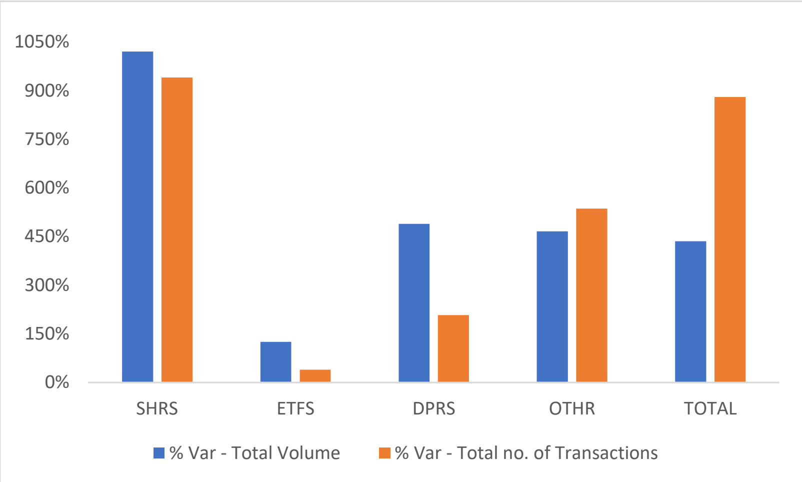
Source: ESMA, FITRS

FIGURE 4: TOTAL NUMBER OF TRANSACTIONS EXECUTED UNDER A WAIVER IN Y2021 VS. Y2020, PER ASSET CLASS



Source: ESMA, FITRS

FIGURE 5: PERCENTAGE CHANGE OF TOTAL NUMBER OF TRANSACTIONS AND TOTAL VOLUME EXECUTED UNDER A WAIVER IN Y2021 OVER Y2020, PER ASSET CLASS



Source: ESMA, FITRS

38. Finally, the average size of transactions executed under the waiver increased for all categories except “other” and, especially for ETFs (+61%) and depositary receipts (+91%) as presented in

39. Table 3 below. Furthermore, the average size of trades in ETFs remains much larger than that of the other instruments as in the past.

TABLE 3: AVERAGE SIZE OF TRANSACTION EXECUTED UNDER THE WAIVER IN Y2021, PER ASSET CLASS

Instrument type	Average transaction size (in EUR)	% change, y-o-y
Shares	32,367	8%
ETFs	1,790,755	61%
Depositary Receipts	29,895	91%
Other equity-like instruments	28,853	-11%
TOTAL	**44,228**	**-45%**

40. When looking at the total turnover under a waiver in relation to the total turnover (second column in Table 4), the asset class with the highest percentage of turnover traded in the dark was ETFs (56%), followed by other equity-like financial instruments (20%), shares (10%), and depositary receipts (19%). Comparing these figures with those of 2020 and 2019[10] (last two columns of Table 4, which includes the UK data), it can be inferred that for all instruments except ETFs a significant portion of dark trading was executed on UK venues which is now out of scope of the analysis. As anticipated in the report of last year, the 2020 figures for EEA (i.e. excluding UK) were underestimating dark trading (see third column of Table 4). However, the 2021 figures confirm that dark trading has overall a decreasing trend across all asset classes excepts ETFs where the percentage of dark trading is back to pre-Brexit levels.

TABLE 4: TOTAL TURNOVER EXECUTED UNDER A WAIVER IN Y2021, Y2020 AND Y2019 IN RELATION TO TOTAL TURNOVER, PER ASSET CLASS

% Turnover executed under the waiver for the asset class / Total turnover executed in the EEA for the asset class	Y2021(*)	Y2020(*)	Y2020(**)	Y2019(**)
Shares	19.25%	2.65%	28.89%	29.56%
ETFs	56.28%	39.25%	56.39%	61.00%
Depositary Receipts	9.96%	2.94%	28.07%	33.34%
Other equity-like instruments	20.18%	4.81%	34.36%	35.29%
TOTAL	**23.35%**	**6.76%**	**31.98%**	**32.58%**

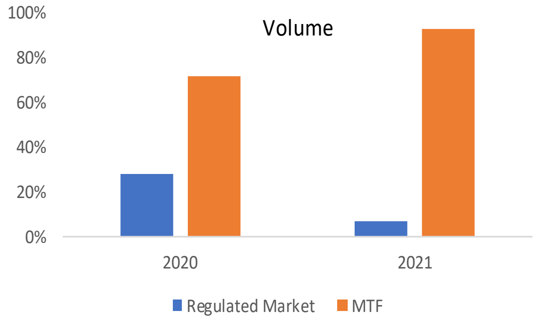
Source: ESMA, FITRS
(*) The data to calculate these percentages does NOT include UK data
(**) The data to calculate these percentages includes UK data.

[10] Considering that 2020 was a transitional year, data from 2019 is also provided.

41. The limited transparency of the ETF market was highlighted in the Consultation Paper on the ESMA Review Report for equity and equity-like instruments[11] and the related Final Report (FR)[12]. In consequence, ESMA proposed in the subsequent RTS 1 and 2 review[13] to increase the pre- and post-trade transparency LIS threshold for ETFs in order to increase the transparency in this market.

42. With respect to the venue of execution, it can be noted that the majority of turnover traded under a waiver was executed on MTFs and the rest on RMs, 93% and 7% respectively. That is consistent with the percentages in terms of number of transactions executed under a waiver on MTFs and RMs – 91% and 9% respectively. Thus, compared to last year, the share of MTFs increased by 21% in terms of volume and by 52% in terms of number of transactions under a waiver (see Figure 6 and Table 5 below). This evolution is related to the UK departure from the EU and the mentioned "relocation effect". Furthermore, by asset type, the trading under the waiver on RMs and on MTFs is split at around 70% in favour of shares and 30% for ETFs (see Figure 7).

FIGURE 6: THE SHARE OF TURNOVER AND TRANSACTIONS EXECUTED UNDER THE WAIVERS ON RM AND MTF



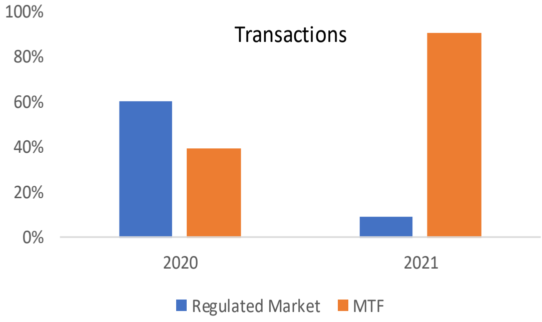
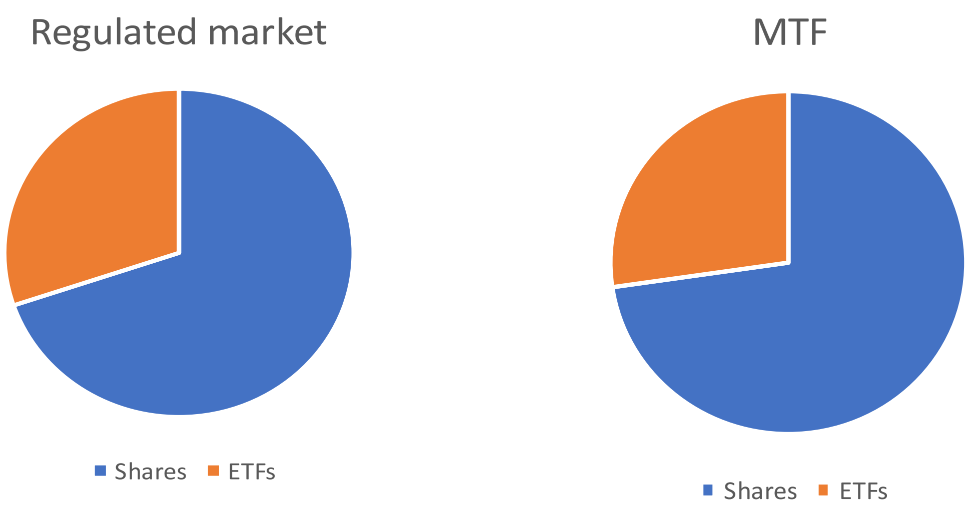


TABLE 5: PERCENTAGE CHANGE (2021 VS. 2020) OF THE TURNOVER AND OF THE NUMBER OF TRANSACTIONS, BY MARKET TYPE

Venue Type	Total volume	Total no. of transactions	Total volume under the waivers	Total no. of transactions under the waivers
Regulated Market	-4%	-3%	38%	43%
MTF	430%	498%	589%	2169%

[11] cp_review_report_transparency_equity_dvc_tos.pdf (europa.eu)
[12] esma70-156-2682_mifidii_mifir_report_on_transparency_equity_dvc_tos.pdf (europa.eu)
[13] ESMA70-156-4944_FINAL_REPORT_-_RTS_1_REVIEW.PDF

FIGURE 7: TOTAL TURNOVER EXECUTED UNDER THE WAIVERS IN Y2021, BY ASSET CLASS AND MARKET TYPE



3.3.3 Total turnover executed under the waivers in Y2021 across Member States

43. Finally, ESMA also analysed the use of equity waivers across Member States. In Table 6, it can be noted that the Member States with a relevant portion of trading volume were the Netherlands, France, Germany, Italy, Sweden, Spain, Denmark and Ireland. The trading on these EU venues recorded around 95% of the total volume executed in equity and equity-like instruments in relation to the whole EEA.

44. Following the departure of the UK from the EU the percentage of trading under the waiver increased to around 10% both for France and for the Netherlands in relation to the total turnover in the EEA (as compared to 2020 figures, 0.25% for FR and 1.7% for NL) and to a lesser extent of Ireland (1.6% in 2021 versus 0.57% in 2020). Thus, almost the entire dark trading in 2021 in the EEA took place on trading venues established in the three Member States (22%) to which most trading venues relocated after Brexit – i.e. the Netherlands, France and Ireland (previously the UK was displaying the highest percentage of dark trading).

45. The figures in Table 6 were defined based on the total turnover and total turnover executed under the waivers on-venue in the EEA in 2021 as reported to FITRS. In the fourth column of Table 6, the "darkness" of each country was analysed, i.e. the total turnover traded under a waiver in the country is compared to the total turnover of the country itself. In this case, among the three jurisdictions mentioned above, Ireland had one of the highest percentages as last year (76% vs. 51%). Followed by France, which experienced the highest increase from 3% in 2020 to 41% in 2021. The increase in NL was noticeably smaller as compared to the other two countries (from 27% to 34%).

TABLE 6: TOTAL TURNOVER AND TURNOVER UNDER THE WAIVERS ACROSS COUNTRIES, Y2021

COUNTRY	% total turnover in the country / total turnover in the EEA	% total turnover traded under a waiver in the country / total turnover in the EEA	% total turnover traded under a waiver in the country / total turnover in the country
AT	0.33%	0.0000%	0.0000%
BE	0.87%	0.0084%	0.9735%
BG	0.00%	0.0000%	0.0000%
CY	0.00%	0.0000%	0.0000%
CZ	0.05%	0.0000%	0.0000%
DE	19.40%	0.0000%	0.0002%
DK	2.37%	0.1736%	7.3384%
EE	0.00%	0.0002%	5.0450%
ES	3.38%	0.0043%	0.1276%
FI	1.42%	0.1162%	8.1821%
FR	24.73%	10.0524%	40.6482%
GR	0.16%	0.0222%	14.0269%
HR	0.00%	0.0006%	22.8088%
HU	0.08%	0.0114%	13.9316%
IE	2.16%	1.6389%	75.7234%
IS	0.06%	0.0487%	75.6611%
IT	6.40%	0.0911%	1.4217%
LT	0.00%	0.0004%	10.9605%
LU	0.00%	0.0000%	0.0000%
LV	0.00%	0.0000%	8.0999%
MT	0.00%	0.0000%	0.0000%
NL	30.94%	10.5547%	34.1083%
NO	1.46%	0.1497%	10.2844%
PL	0.67%	0.0686%	10.2422%
PT	0.26%	0.0003%	0.0955%
RO	0.02%	0.0018%	9.0842%
SE	5.88%	0.5618%	9.5626%
SI	0.00%	0.0005%	15.9045%
SK	0.00%	0.0000%	0.0033%
TOTAL	**100.00%**	**23.35%**	**23.35%**

Source: ESMA, FITRS

4 Application of proposed arrangements for trade-deferred publication on equity and equity-like instruments

4.1 On-venue transactions

4.1.1 Background information

46. Article 6(1) of MiFIR provides that market operators and investment firms operating a trading venue shall make public the price, volume and time of the transactions executed in respect of shares, depositary receipts, ETFs, certificates and other similar financial instruments traded on that trading venue. Market operators and investment firms operating a trading venue shall make details of all such transactions public as close to real-time as technically possible.

47. Article 7 of MiFIR allows NCAs to authorise market operators and investment firms operating a trading venue to provide for deferred publication of the details of transactions based on their type or size. Furthermore, RTS 1 specifies the additional technical requirements that should be satisfied for deferred publications. In particular, Article 15 of RTS 1 specifies the sizes of transactions that are large in scale compared with the normal market size and for which deferred publication is allowed. NCAs may authorise the deferred publication in respect of transactions that are LIS compared with the normal market size for that share, depositary receipt, ETF, certificate or other similar financial instrument.

48. Market operators and investment firms need to obtain the NCA's prior approval of proposed arrangements for deferred trade-publication and shall clearly disclose those same arrangements. Unlike the application for the use of waivers from pre-trade transparency, ESMA does not receive notifications from NCAs on the approval of deferrals nor does ESMA issue an opinion assessing the compatibility of the deferral with the requirements established in Article 7 of MiFIR and RTS 1.

49. Following Article 7(1) of MiFIR, ESMA has to monitor the application of the deferral arrangements and submit this information to the Commission by describing how they are applied in practice.

4.1.2 Analysis of the application of the deferral regime on-venue

50. As already mentioned in section 3.3 above, ESMA leveraged on the data included in FITRS to analyse the application of the deferral regime to equity and equity-like instruments on RMs and MTFs. This year also the data from the Polish trading venues is included since, as already mentioned, the "KNF" became a delegating NCA in the context of the Delegation Agreement which empowers ESMA to perform the annual transparency calculations.

51. The data on the trading volume reflects the deferral regime in place at the moment

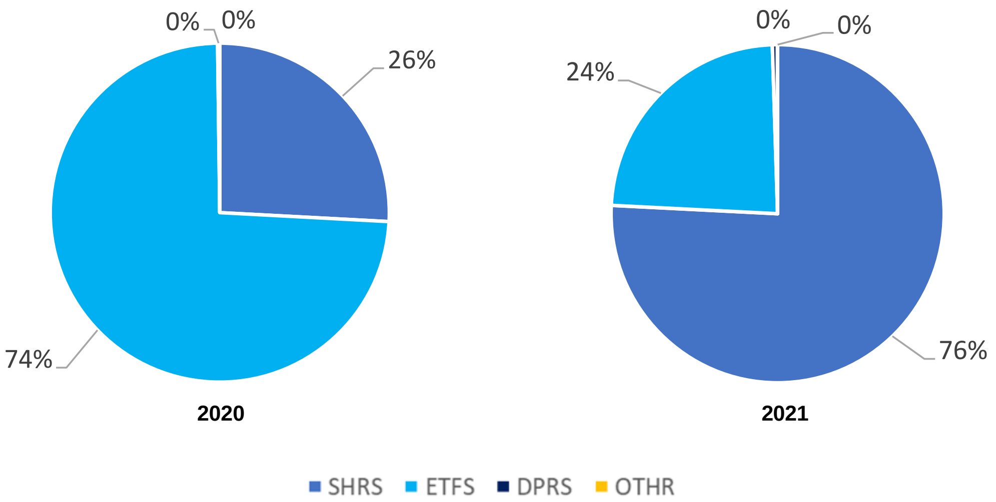
of the execution of the transactions in 2021.

52. The turnover subject to the LIS deferral accounted for 14% of the total turnover in 2021. In terms of number of transactions, the turnover subject to the LIS deferral reached 1%. As expected, in comparison to last year's report, these figures provide a more accurate picture of the volumes benefiting from deferrals given that the trading activity recorded on UK venues which relocated to the EU is fully represented.

53. The percentage of turnover subject to deferrals per asset class compared to the total turnover subject to deferrals recorded over the year 2021 per asset class is presented in Figure 8Figure 8 below. It is evident that shares were the equity instrument with the highest percentage of trading subject to the LIS deferral. Compared to 2020 a switch between the use of deferrals for shares and ETFs can be observed. This development is similar to that of the waivers and is assumed to be another effect of Brexit relocation. In terms of number of transactions, shares recorded 99% of the total transactions with virtually no changes as compared to 2020 (Figure 9).

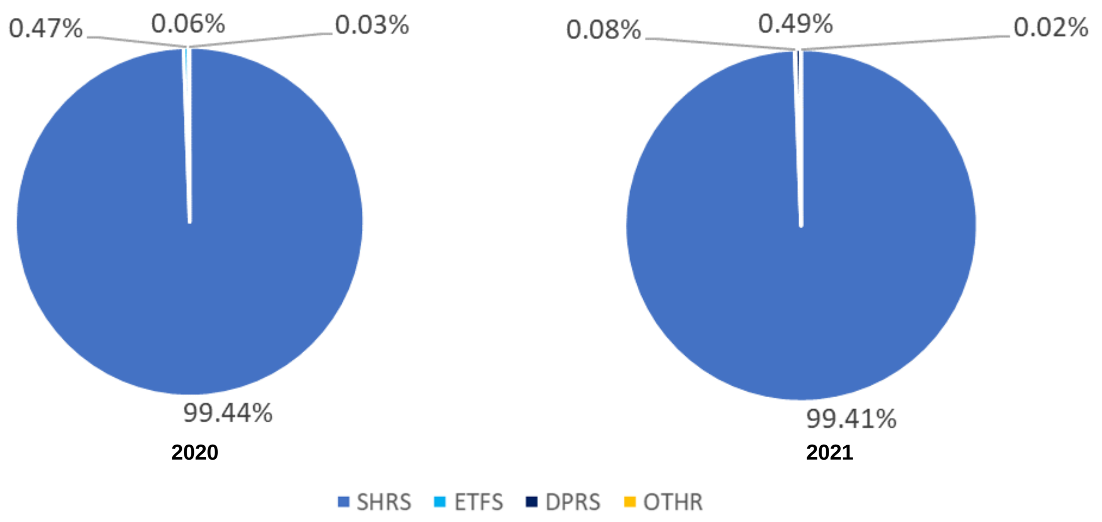
54. However, when analysing the percentage change, the surge of shares is significant – at around 2200% in terms of volume and 1400% for the number of transactions (Figure 10). Simultaneously, the ETFs recorded a much lower increase both in terms of volume as well as in terms of number of transactions (around 150% increase). In consequence, the discrepancy in the increase rate led to the switch observed in Figure 8. Put differently, even though the average transaction size is higher for ETFs, the latter was offset by a higher increase of the volume and total number of transactions under the deferral for shares.

FIGURE 8: PERCENTAGE OF TURNOVER SUBJECT TO LIS DEFERRAL PER ASSET CLASS OVER TOTAL TURNOVER SUBJECT TO LIS DEFERRAL ACROSS ASSET CLASSES, Y2021



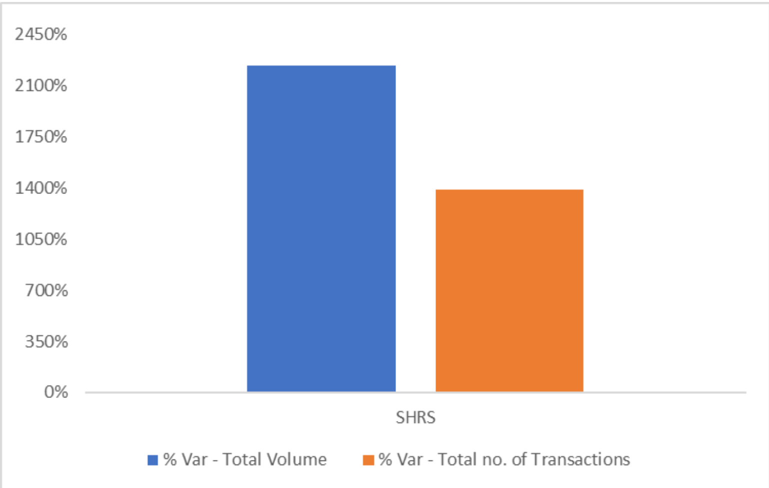
Source: ESMA, FITRS

FIGURE 9: PERCENTAGE OF NUMBER OF TRANSACTIONS SUBJECT TO LIS DEFERRAL PER ASSET CLASS OVER TOTAL NUMBER OF TRANSACTIONS SUBJECT TO LIS DEFERRAL ACROSS ASSET CLASSES, Y2021 VS Y2020



Source: ESMA, FITRS

FIGURE 10: PERCENTAGE CHANGE OF TOTAL NUMBER OF TRANSACTIONS AND TOTAL VOLUME EXECUTED UNDER A DEFERRAL IN Y2021 OVER Y2020, FOR SHARES



55. The total turnover executed subject to the LIS deferral over the total turnover (lit and dark) for each respective asset class is analysed in Table 7. Shares were the instruments with the highest percentage using the LIS deferral (10%) followed by ETFs (3%) (See second column of Table 7).

56. Comparing these figures with those of 2020 and 2019 (see last two columns of Table

7 which include the UK data), it can be inferred that for all instruments, though to a lesser extent for shares, a large portion of dark trading was executed on UK venues which is now out of scope of the analysis. As expected, the 2020 figures excluding UK data included in the previous report (third column of Table 7) were underestimating dark trading. Comparing the overall trend, it appears that post-trade dark trading might have a decreasing tendency but to a much smaller extent.

TABLE 7: TOTAL TURNOVER EXECUTED SUBJECT TO THE LIS DEFERRAL IN Y2021, Y2020 AND Y2019 IN RELATION TO TOTAL TURNOVER, PER ASSET CLASS

% Turnover executed subject to LIS deferral for the asset class / Total turnover executed in the EEA for the asset class	Y2021(*)	Y2020(*)	Y2020(**)	Y2019(**)
Shares	11.91%	0.79%	10.59%	13.34%
ETFs	28.70%	17.61%	26.83%	31.08%
Depositary Receipts	5.82%	0.49%	15.63%	20.79%
Other equity-like instruments	7.08%	1.32%	7.21%	16.12%
TOTAL	**13.74%**	**2.67%**	**12.49%**	**15.15%**

Source: ESMA, FITRS
(*) The data to calculate these percentages does NOT include UK data
(**) The data to calculate these percentages includes UK data

57. More specifically, as far as ETFs are concerned, as in case of the pre-trade transparency, the percentage of post-trade dark trading has largely remained stable from 2019 (last column in Table 7 which includes the UK data) to 2021 (second column in Table 7 which excludes the UK data). The limited transparency of the ETF market was highlighted in the CP on the Level 1 Review for equity and equity-like instruments[14] and the related Final Report[15] which led ESMA, in order to increase the transparency in this market, to propose in the RTS 1 and 2 review to increase the pre- and post-trade transparency LIS threshold.

58. Finally, ESMA also analysed the use of the LIS equity deferral across Member States.

59. The Member States with a significant portion of trading volume were the Netherlands, France and Germany, followed by Italy, Sweden, Spain, Denmark and Ireland. The trading subject to deferrals in relation to total turnover in the EEA was almost entirely concentrated in FR (8.65%) and in NL (4.96%), which can be partly explained by the large total turnover in these jurisdictions. Hence, even though Germany, Italy, and

[14] cp_review_report_transparency_equity_dvc_tos.pdf (europa.eu)
[15] esma70-156-2682_mifidii_mifir_report_on_transparency_equity_dvc_tos.pdf (europa.eu)

Spain have a deferral regime in place, the respective regime is not used.

60. The figures in Table 8 were defined based on the total turnover and total turnover executed subject to the LIS deferral on-venue in the EEA in 2021 as reported to FITRS. In the fourth column of Table 8, the "darkness" of each country was analysed (the total turnover traded subject to LIS deferral in the country is compared to the total turnover of the country itself) where it is evident that in some countries the use of the LIS deferrals is much wider if compared to the overall turnover executed domestically.

TABLE 8: TOTAL TURNOVER AND TURNOVER SUBJECT TO THE LIS DEFERRAL ACROSS COUNTRIES, Y2021

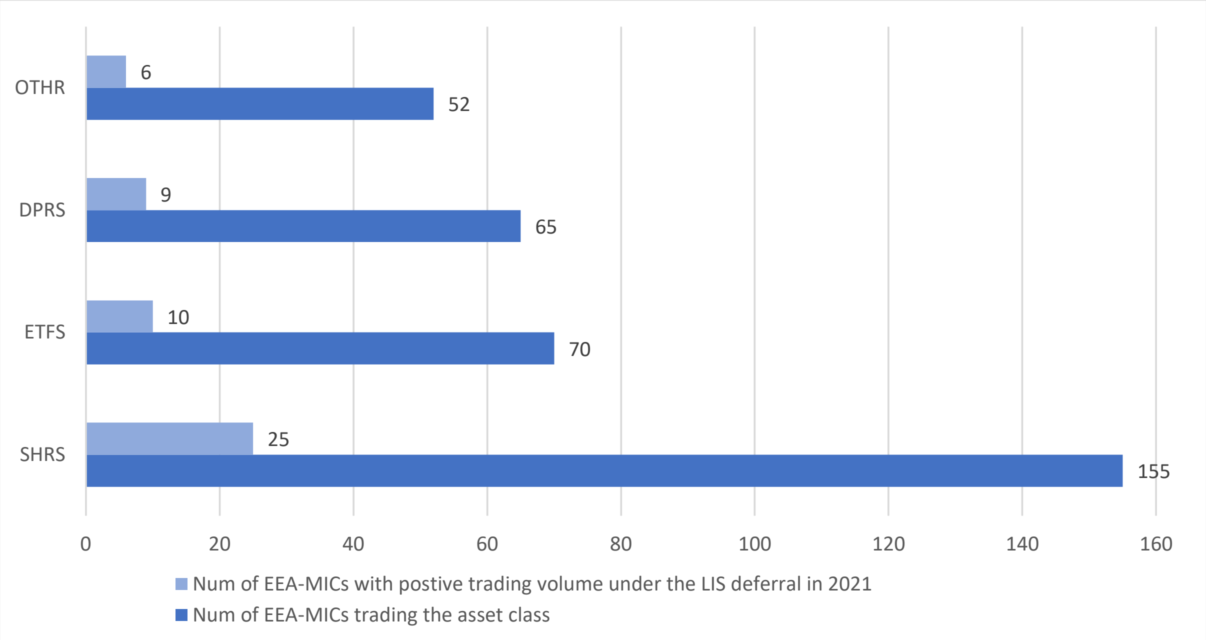
COUNTRY	% total turnover in the country / total turnover in the EEA	% total turnover traded subject to LIS deferral in the country / total turnover in the EEA	% total turnover traded subject to LIS deferral in the country / total turnover in the country
AT	0.33%	0.0000%	0.0000%
BE	0.86%	0.0023%	0.2725%
BG	0.00%	0.0000%	0.0000%
CY	0.00%	0.0006%	71.8068%
CZ	0.05%	0.0000%	0.0000%
DE	19.27%	0.0000%	0.0002%
DK	2.35%	0.0104%	0.4415%
EE	0.00%	0.0000%	0.0000%
ES	3.36%	0.0000%	0.0000%
FI	1.41%	0.0000%	0.0011%
FR	24.56%	8.6429%	35.1842%
GR	0.16%	0.0000%	0.0000%
HR	0.00%	0.0000%	0.0000%
HU	0.08%	0.0000%	0.0000%
IE	2.15%	0.0879%	4.0899%
IS	0.06%	0.0000%	0.0000%
IT	6.36%	0.0000%	0.0000%
LT	0.00%	0.0000%	0.0000%
LU	0.00%	0.0000%	0.0000%
LV	0.00%	0.0000%	0.0000%
MT	0.00%	0.0000%	0.0000%
NL	30.74%	4.9628%	16.1457%
NO	1.45%	0.0327%	2.2620%
PL	0.67%	0.0000%	0.0000%
PT	0.26%	0.0001%	0.0462%
RO	0.02%	0.0000%	0.0000%

SE	5.84%	0.0001%	0.0016%
SI	0.00%	0.0000%	0.0000%
SK	0.00%	0.0000%	0.0000%
TOTAL	**100.00%**	**13.7398%**	**13.7398%**

Source: ESMA, FITRS

61. Finally, Figure 110 provides the number of segment MICs that recorded trading activity under the deferral out of the number of segment MICs that recorded trading activity in the asset class. It is evident from Figure 11Figure 11 that most trading venues/segment MICs in the EEA do not make use of deferrals for equity instruments.

FIGURE 11: SEGMENT MICS THAT APPLIED THE LIS DEFERRAL, PER ASSET CLASS, Y2021



4.2 OTC transactions

4.2.1 Background information

62. Article 20(1) of MiFIR provides that investment firms that, either on own account or on behalf of clients, conclude transactions in shares, depositary receipts, ETFs, certificates and other similar financial instruments traded on a trading venue, make public the volume and price of those transactions and the time at which they were concluded. This information should be made public through an APA.

63. Article 20(2) of MiFIR allows for deferred publication of post-trade information for certain categories of transactions, where NCAs have authorised the use of deferrals pursuant to Article 7 of MiFIR.

64. Article 15 of RTS 1 specifies the sizes of transactions that are large in scale compared with the normal market size and for which deferred publication is allowed.

4.2.2 Analysis of the application of the deferral regime off-venue

65. ESMA undertook a data collection exercise among NCAs in order to analyse how deferrals were used in practice off-venue throughout 2021. ESMA received the requested information from 29 out of 30 NCAs from the EEA[16].

66. In most of the cases, deferrals were allowed for trading venues and investment firms/systematic internalisers. NCAs broadly applied the same regime across the different types of equity instruments. As also highlighted in last year's report, the differences found in Figure 12 below on the number of NCAs allowing for deferrals per type of instrument were due to some jurisdictions not having trading venues making some financial instrument types available for trading and not to NCAs applying discretion by allowing for the use of deferrals to only some types of instruments.

67. Out of the 29 NCAs responding to the survey, only in 3 jurisdictions deferrals were not in place namely Iceland[17], Latvia, and Slovakia. This represents a change compared to last year where deferrals were not applied in 5 jurisdictions[18]. As per last year, ESMA also observed that 3 NCAs (Czech Republic, Estonia and Poland) had not yet taken a decision on the deferral regime applicable in their jurisdiction. This is presented in Table 9 below.

68. Although the majority of NCAs allowed deferrals, it is possible to observe that the number of jurisdictions where deferrals were not applied in practice and those where deferrals were applied was similar, with some differences depending on the asset classes analysed. More specifically, deferrals were applied[19] in 8 to 12 jurisdictions (12 for shares and ETFs, 11 for depositary receipts, 10 for other similar financial instruments and 8 for certificates) while not applied[20] in 10 to 14 jurisdictions (14 for shares, 12 for ETFs, 11 for depositary receipts and 10 for certificates and other similar financial instruments). For the remaining NCAs, either a decision was not taken yet, or deferrals were not applicable as there was no trading venue trading such instruments.

69. In its data collection, ESMA also gathered information from those NCAs allowing the application of the deferral regime on whether they automatically allowed it for OTC trading (for systematic internalisers/investment firms) via a general ruling (option A)

[16] ESMA received no information on the applicable deferral regime in Liechtenstein.
[17] Iceland participated to the data collection this year for the first time due to the late implementation of MIFIR.
[18] Those jurisdictions were Bulgaria, Croatia, Latvia, Lithuania and Slovakia.
[19] This includes the following options: "Allowed to TVs, applied by TVs but not applied by IFs/SIs (including because there are no IFs and SIs in the jurisdiction)" and "Allowed and applied by TVs and IFs/SIs", and "YES - Allowed to TVs but not applied by TVs and applied by IFs/SIs".
[20] This includes the following options: "Allowed to TVs but not applied by TVs and IFs/SIs", "Not allowed to TVs and to IFs/SIs" and "Allowed but not applied because there are no IFs and SIs".

or if an authorisation for the individual investment firm/systematic internalisers to be able to apply the deferral regime was required (option B). Out of the 26 NCAs which responded to this question, 16 applied option A and 10 option B. More details are provided in Figure 12 below

TABLE 9 – OVERVIEW OF THE APPLICATION OF THE DEFERRAL REGIME IN 2021 ACROSS ASSET CLASSES – PER JURISDICTION

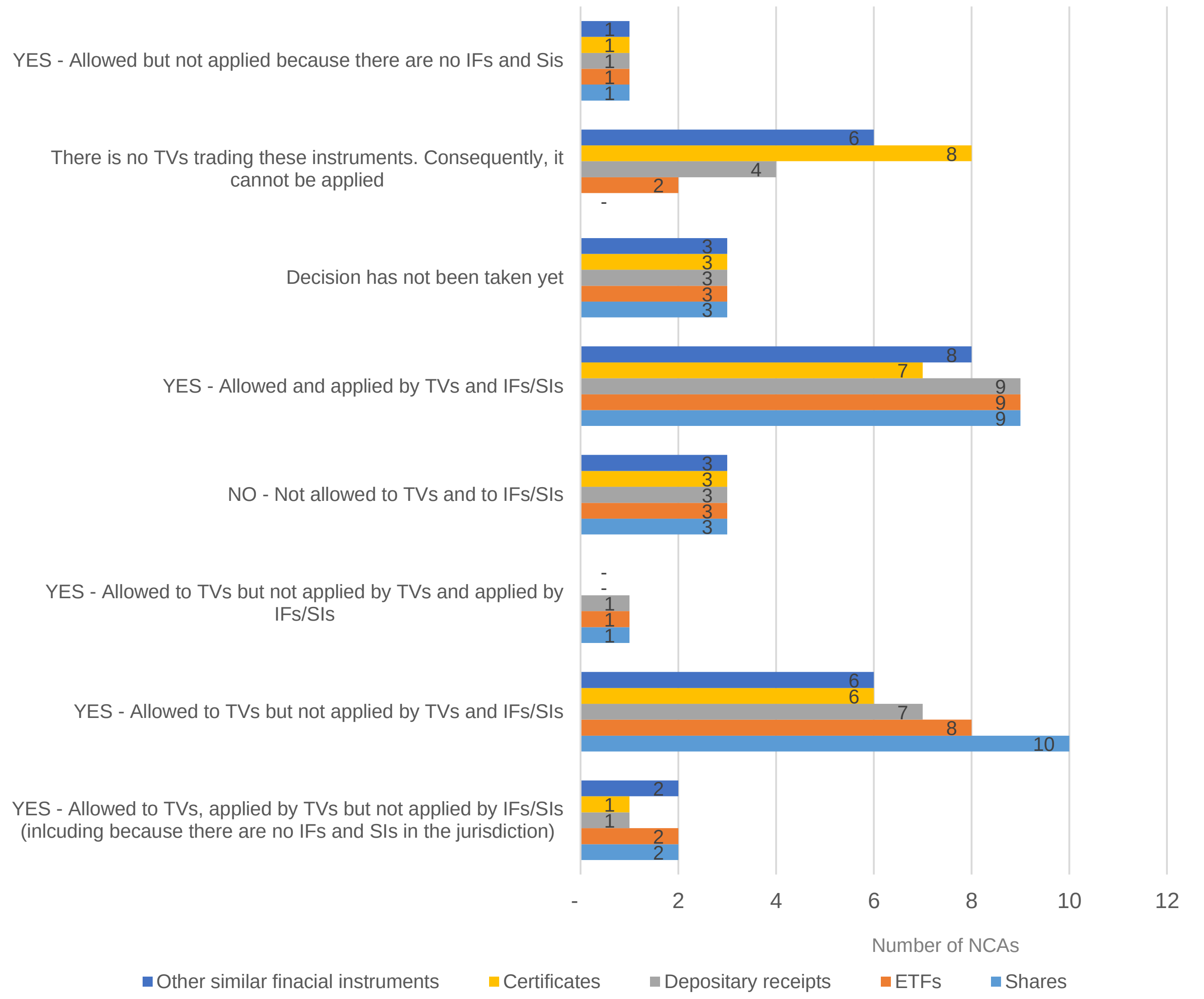
	SHARES		ETFs		DRs		CERTIFICATES		OTHER SIMILAR EQUITY INSTRUMENTS	
	ALLOWED (Y/N)	APPLIED (Y/N)	ALLOWED (Y/N)	APPLIED (Y/N)	ALLOWED (Y/N)	APPLIED (Y/N)	ALLOWED (Y/N)	APPLIED (Y/N)	ALLOWED (Y/N)	APPLIED (Y/N)
AT	Y	N	Y	N	Y	N	Y	N	Y	N
BE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
BG	Y	N	Y	N	Y	N	Y	N	Y	N
CY	Y	N	NA[21]	NA	NA	NA	NA	NA	NA	NA
CZ	No decision has been taken yet									
DE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
DK	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
EE	No decision has been taken yet									
ES	Y	Y	Y	Y	Y	Y	NA	NA	NA	NA
FI	Y	Y	Y	Y	Y	Y	NA	NA	Y	Y
FR	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
GR	Y	N	Y	N	Y	N	NA	NA	Y	N
HR	Y	N	Y	N	NA	NA	NA	NA	NA	NA
HU	Y	N	Y	N	Y	N	Y	N	Y	N
IE	Y	Y	Y	Y	Y	Y	Y	Y	NA	NA
IS	N	N	N	N	N	N	N	N	N	N

[21] NA means that there is no trading venue trading those instruments and therefore the regime cannot be applied.

IT	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
LI	No response									
LT	Y	N	NA	NA	NA	NA	NA	NA	NA	NA
LU	Y	N	Y	N	Y	N	Y	N	Y	N
LV	N	N	N	N	N	N	N	N	N	N
MT	Y	N	Y	N	NA	NA	NA	NA	NA	NA
NL	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
NO	Y	Y	Y	Y	Y	Y	NA	NA	Y	Y
PL	No decision has been taken yet									
PT	Y	Y	Y	Y	Y	N	Y	N	Y	Y
RO	Y	N	Y	N	Y	N	Y	N	Y	N
SE	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
SI	Y	N	Y	N	Y	N	Y	N	Y	N
SK	N	N	N	N	N	N	N	N	N	N

Source: data collection from NCAs

FIGURE 12: APPLICATION OF THE DEFERRAL REGIME PER TYPE OF FINANCIAL INSTRUMENT IN Y2021



Source: Data collection from NCAs

5 Application of the waivers for non-equity financial instruments

5.1 Background information

70. Article 8 of MiFIR specifies that market operators and investment firms operating a trading venue should make public current bid and offer prices and the depth of trading interests at those prices which are advertised through their systems for bonds, structured finance products, emission allowances and derivatives traded on a trading venue. This requirement also applies to actionable indications of interest. Market operators and investment firms operating a trading venue should make that information available to the public on a continuous basis during normal trading hours. Article 8 of MiFIR exempts from the publication obligation those derivative transactions of non-financial counterparties which are objectively measurable as reducing risks directly relating to the commercial activity or treasury financing activity of the non-financial counterparty or of that group.

71. Article 9 of MiFIR, as further specified in Commission Delegated Regulation (EU) 2017/583 (RTS 2), provides for the cases when NCAs can waive the pre-trade transparency obligations for market operators and investment firms. In particular:

72. Article 9(1)(a) of MiFIR provides that the LIS waiver and the OMF waiver can be respectively used for orders which are large in scale compared to normal market size (LIS) and orders held in an order management facility of the trading venue pending disclosure (OMF).

73. Article 9(1)(b) of MiFIR provides that the size specific to the financial instrument (SSTI) waiver can be used for actionable indications of interest in request-for-quote and voice trading systems that are above a size specific to the financial instrument.

74. Article 9(1)(c) of MiFIR provides that the illiquid waiver (ILQ), can be used for derivatives which are not subject to the trading obligation as specified in Article 28 of MiFIR and other financial instruments for which there is not a liquid market.

75. Article 9(1)(d) of MiFIR provides that exchange for physicals (EFPs) can benefit from a waiver.

76. Article 9(1)(e) of MiFIR provides for the package waiver (Package), which can be used for package orders that meet one of the following conditions:

    a) at least one of its components is a financial instrument for which there is not a liquid market, unless there is a liquid market for the package order as a whole (ILQ Package);

b) at least one of its components is large in scale compared with the normal market size, unless there is a liquid market for the package order as a whole (LIS Package); or

c) all of its components are executed on a request-for-quote or voice system and are above the size specific to the instrument (SSTI Package).

77. The criteria determining whether a package has a liquid market as a whole are specified in Commission Delegated Regulation (EU) 2017/2194 (RTS on package orders).

78. Article 9(2) of MiFIR states that before granting a waiver, NCAs shall notify, not less than four months before the waiver is intended to take effect, ESMA and other NCAs of the intended use of each individual waiver and provide an explanation regarding its functioning. Within two months following receipt of the notification, ESMA should issue a non-binding opinion to the NCA in question assessing the compatibility of each waiver with MiFIR and RTS 2 requirements.

79. ESMA published numerous Q&As on the most relevant issues identified[22] in non-equity waivers applications over the last couple of years and an opinion providing further guidance on waivers from pre-trade transparency[23].

5.2 Analysis 1: Statistics on the number of waivers

80. ESMA received 26 new non-equity waiver notifications in 2021 from 10 EEA countries (see Annex II - Tables Non-equity Waivers Table 13 – statistics on waivers received and processed). The Netherlands submitted the largest number of notifications (10 in total) followed by Spain (4), while Denmark, Ireland, and Portugal submitted 3, 2 and 2 notifications, respectively. The remaining notifications were received from Belgium, France, Norway, Sweden and Slovakia (5 in total). Among the waiver notifications received, 2 were withdrawn. In 2020, ESMA had received 44 new non-equity waiver notifications.

81. Also considering waiver notifications received before 1 January 2021, ESMA issued in total 40 opinions in 2021 compared to a total of 127 opinions issued in 2020. For all these waivers processed, ESMA deemed the proposed waiver functionality compliant with MiFIR and RTS 2 requirements. These 40 waivers for which ESMA issued an opinion in 2021 are the basis of the statistics presented in this section of the report (see Annex II - Tables Non-equity Waivers).

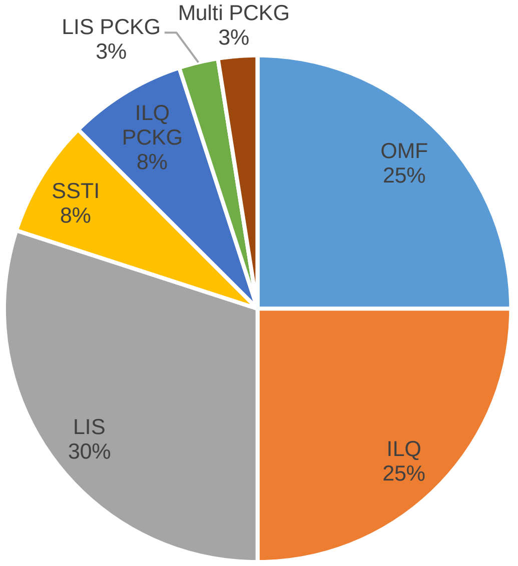
82. ESMA assessed 39 waiver notifications that were for a single waiver type and 1 notification including multipackage order waiver[24]. Among the waiver functionalities

[22] Q&As on MiFID II and MiFIR transparency topics (europa.eu)
[23] esma70-155-6641_opinion_on_the_assessment_of_pre-trade_transparency_waivers.pdf (europa.eu)
[24] Such application for multipackage order waivers is: LIS component package order + Illiquid component package order + SSTI component package order.

that ESMA assessed throughout 2021, the Netherlands was again the country with the highest number of waiver requests[25], followed by Sweden and Finland, resulting respectively in 28%, 13% and 13% of all opinions issued by ESMA in 2021.

83. Furthermore, among all opinions issued, the requests encountered more frequently were for the LIS waiver (30%), followed by the illiquid and OMF (25% each), SSTI and illiquid package (8% each) waivers (see Figure 13 and Annex II, Table 13 – statistics on waivers received and processed). .

FIGURE 13: WAIVERS OPINIONS ISSUED IN 2021, STATISTICS PER WAIVER TYPE

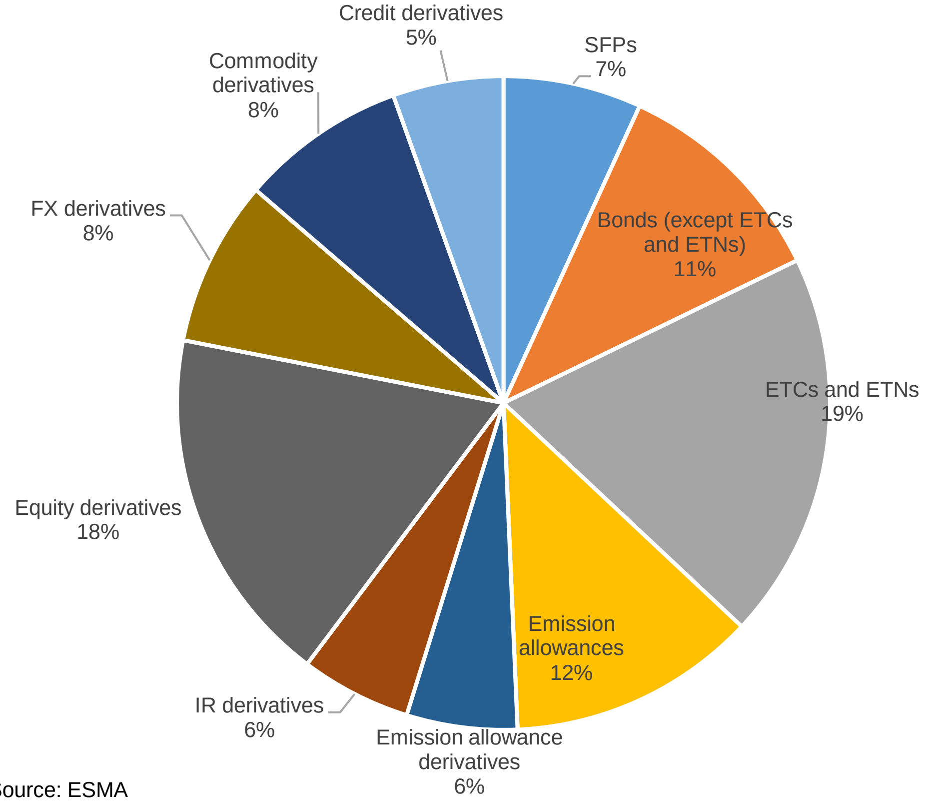


Source: ESMA

84. The non-equity waivers assessed related to a variety of non-equity instruments, including predominantly ETCs and ETNs (19%), equity derivatives (18%), emission allowances (12%), bonds (11%), FX derivatives and commodity derivatives (8%). (See Figure 14 and Annex II, Table 15 – statistics per asset class).

[25] As per last year, the notifications received from the AFM are mainly a consequence of the relocation of some trading venues from the UK to the Netherlands in the aftermath of Brexit.

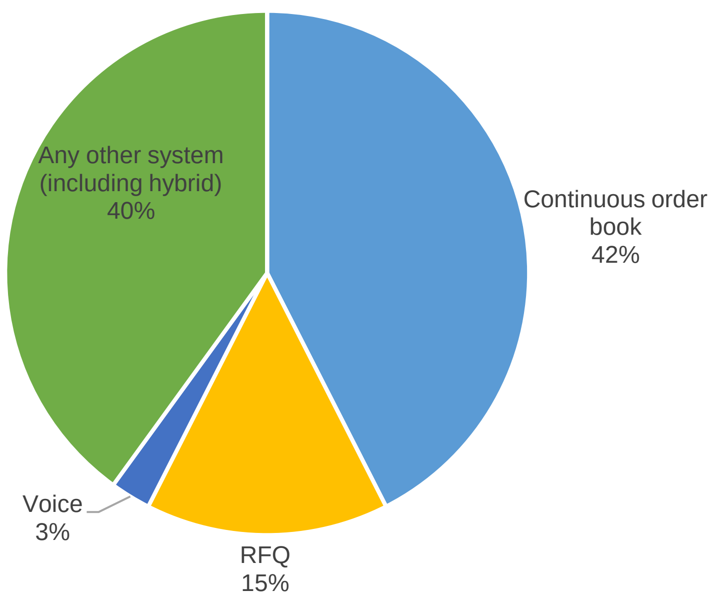
FIGURE 14: WAIVER OPINIONS ISSUED IN 2021, STATISTICS PER ASSET CLASS



Source: ESMA

85. Continuous order book trading systems were the most common types of trading systems for which a notification was processed (42% of the notifications), followed by any other systems (including hybrid systems) (40%), RFQ (15%) and voice trading systems (3%). (See Figure 15 and Annex II, Table 16 - statistics on trading system using the waivers).

FIGURE 15: STATISTICS ON TRADING SYSTEMS USING WAIVERS



Source: ESMA

86. Finland and Sweden accounted for the majority of the notifications submitted for continuous order book systems (29% each) while the majority of waivers submitted for other systems (including hybrid) and RFQ systems were from the Netherlands.

87. With respect to those notifications referencing any other systems, in 38% of the cases those were for systems combining features of central limit order book and quote driven trading systems. Notifications including systems that formalise pre-arranged trades accounted for 25% of the total, while combination of voice and screen trading system made up for 13% of the other systems (same for systems combining features of periodic auction, voice trading system, and electronic order book). (Annex II, Table 17 – statistics on trading system using the waives for any other systems (including hybrid)

LIS waivers

88. ESMA issued an opinion for 14 LIS waiver notifications[26]. Out of these 14 notifications, 57% included pre-arranged transactions and the Netherlands accounted for 38% of those pre-arranged LIS waivers.

Illiquid waivers

89. Among all 40 waiver notifications processed, 14 (i.e., 35%) were for illiquid waivers[27].

[26] Including package waivers with a LIS component.
[27] Including package waivers with an illiquid component.

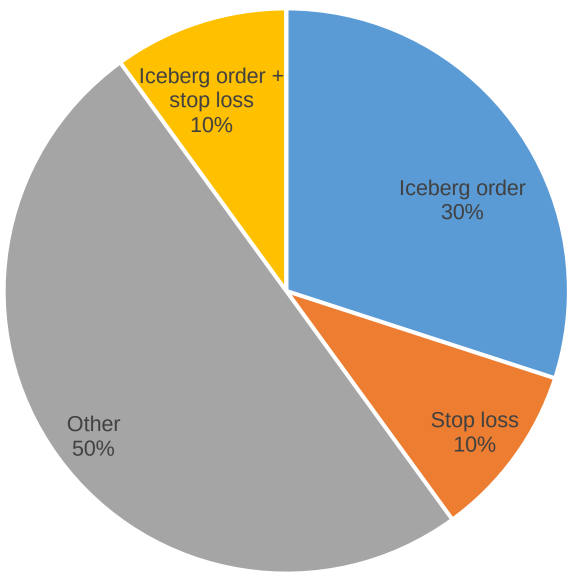
Those notifications were mainly received from the Netherlands (21%), followed by Germany, Finland, Spain and Sweden (14% each).

OMF waivers

90. ESMA processed 10 waivers notifications for OMF waivers applications. Orders other than iceberg orders, stop loss and combinations of those were the most commonly used order type in such applications in 2021 (50% of OMF applications). These were the so-called “auto-match orders” which appeared in 5 notifications. The rest of OMF waivers covered iceberg orders (30%), stop loss and combination of iceberg orders and stop loss (10% each).

91. Portugal submitted the majority of OMF waiver notifications (20% respectively). (See Annex II, Table 14 – statistics per waiver type).

FIGURE 16 : STATISTICS FOR ORDER TYPES IN OMF WAIVERS



Source: ESMA

92. For the majority of iceberg orders (75% of the cases), orders could be executed without disclosure of the peak to the order book when on the opposite size of the order book there was an aggressive order that was larger than the disclosed peak while in the remaining 25% of cases peaks were released to the order book prior to be executed.

93. Peak volume randomization appeared to be a common feature in OMF waivers for iceberg orders, being included in 75% of the waivers’ opinions whereas peak price randomisation did not feature in the waiver notifications processed in 2021.

94. Last but not least, only 2 notifications processed (representing 20% of the OMF waiver notifications) allowed for member preferencing.

SSTI waivers

95. ESMA processed 4 SSTI waiver notifications[28] of which, the majority was submitted by the Netherlands. In 2 cases, the SSTI waivers were requested for RFQ system and 2 notifications were for a voice trading system.

96. Among the possible indicative pre-trade prices and methodology of publications the venue should make available (as per the requirements of Article 5 of RTS 2), in 2 of the cases the best price (BAP) and in 1 case the weighted average price (WAP) were made available. For the package waiver, the waiver description did not include any information on the indicative price made public.

EFP and package waivers

97. ESMA issued 5 opinions for various types of package waivers. Of those package waivers, 3 were for illiquid packages, 1 for LIS packages and 1 for multipackage waivers (see Annex II, Table 14 – statistics per waiver type).

98. In the great majority of cases, trading venues ensured that only package orders/transactions that met the definition in MiFIR were accepted by explaining in the waivers notifications the methodology used for all package orders (4 out of 5 notifications) with the remaining notifications explaining the approach on the basis of examples.

99. Moreover, to ensure that only packages that did not have a liquid market as a whole were accepted under the requested waiver in the majority of cases trading venues reported that they made sure that not all components of the package order were available for trading on the same trading venue. In the residual number of cases, the trading venue made sure that either not all components of the package order are subject to the clearing obligation or that all components of the package order are eligible for the LIS or illiquid waiver.

5.3 Analysis 2: Statistics on the volumes executed under the waivers

100. ESMA carried out a data collection exercise concerning non-equity instruments directed to trading venues (RMs, MTFs and OTFs) and received responses from 28 jurisdictions (26 in 2021) and 80 operating MICs (70 in 2021). It shall be noted that, as last year, UK trading venues were no longer included in the data collection exercise due to the UK having left the EU. Most of those operating MICs provided information for multiple segment MICs, which gave an overview of the

[28] Including package waivers with an SSTI component.

implementation of waiver regimes in 184 segment MICs (169 in 2021).

101. As mentioned in the equity part of the report, the data on the trading volume provided reflects all the waivers in use in 2021, i.e. it includes the trading activity related to all the waivers in use since 1 January 2018 and not only to those that were notified and started to be used in 2021.

102. It is worth highlighting that, in line with last year's exercise, the data collection carried out by ESMA was limited in scope to ensure a better data quality and covered only the volume (and not the number of transactions) of a limited set of asset classes, namely bonds, interest rate derivatives, equity derivatives, commodity derivatives, and credit derivatives.

103. However, as mentioned in Section 2.2, ESMA came across a specific data issue. In particular, one trading venue provided huge volumes in the context of the data collection exercise which were clearly not coherent with those reported by the same venue last year and in FITRS for transparency calculations during 2021. In order to avoid providing a misleading picture of the EEA trading landscape, ESMA decided not to include the figures reported by the venue from the statistics of the report considering that the entity was not able to submit revised data. The recurrence of data quality issues every year when collecting data for the purpose of this reports highlights the need to request data on a per waiver basis in FITRS which is subject to an on-going data quality programme to ensure better data and allow ESMA to better analyse the data, identify the root cause of the discrepancies and better support the policy work.

104. In light of the above, ESMA decided to exclude the data provided by the same trading venue also for the year 2020 when using last year's figures for comparative purposes. As a consequence, the results presented in last year's annual report for 2020 might differ from those presented in the following sections. Nevertheless, ESMA considers that such approach would allow to keep a high degree of comparability between 2020 and 2021 datasets.

5.3.1 Total trading volume executed in Y2021

105. ESMA gathered information from trading venues on the total volume of trading executed over the calendar year.

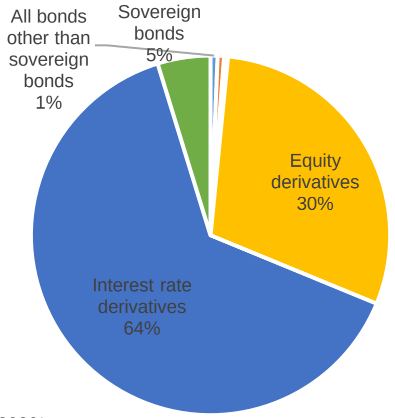
106. When looking at the distribution of the trading volume executed per asset class, according to the data received from trading venues, trading in interest rate derivatives accounted for 67% of the total trading volume[29] over the period 1 January - 31 December 2021, followed by equity derivatives (22%), sovereign bonds (8%), commodity derivatives (2%) and all bonds other than sovereign bonds (1%). In line

[29] Total trading volume is measured as nominal value (not using the price) for bonds (except ETCs and ETNs), notional amount of traded contracts for IR derivatives, commodity derivatives and credit derivatives.

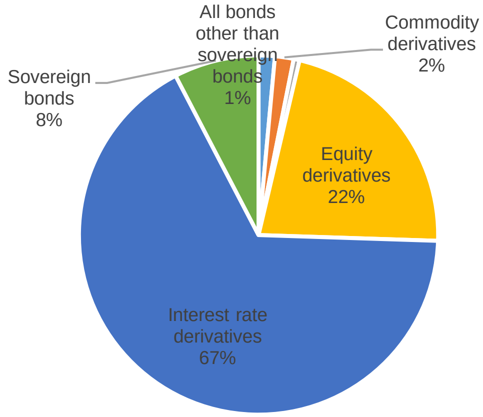
with last year and as can be noted in Figure 17, trading in credit derivatives was marginal compared to other asset classes, accounting on an aggregate basis for less than 1% of the total trading.

107. Compared to last year, the distribution has remained relatively stable as activity in interest rate derivatives accounted for 64% of the total volume traded in 2020. With respect to trading in equity derivatives instead, a slight decrease was observed in relative terms (30% in 2020 and 22% in 2021) as shown in Figure 17 below. The picture is rather similar for bonds, especially sovereign but it should be highlighted that in both cases the statistics might have been affected by the exclusion of one trading venue. No major changes were observed for the remaining asset classes.

FIGURE 17: TOTAL TRADING VOLUME EXECUTED ON TRADING VENUES IN Y2020*[30] AND Y2021, PER ASSET CLASS



Note: Y2020*
Source: ESMA data collection from trading venues



Note: Y2021
Source: ESMA data collection from trading venues

5.3.2 Total trading volume executed under the waivers in Y2021

108. With respect to the distribution of total trading volume executed under a waiver across the different waiver types, according to the data gathered from trading venues, the most frequently used waiver in 2021 was the LIS waiver, corresponding to 68% of the total trading volume executed over the year. The illiquid waiver was the second most important waiver in terms of trading volume (27%) while very little trading volume, less than 5% on an aggregated basis was executed under OMF and SSTI waivers.

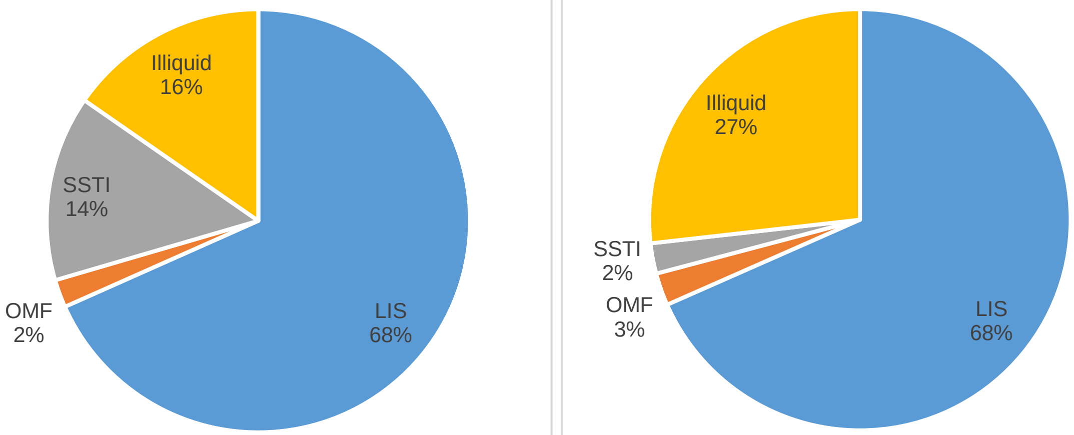
109. When comparing the data with those gathered for the year 2020, those are rather aligned as also last year the LIS was the waiver most used in practice, followed by the illiquid and SSTI waivers. However, this is not what appears in the report

[30] As flagged in 5.3, the 2020 dataset used for comparative purposes in this report does not take into account one trading venue and might therefore differ from those presented in last year report.

published last year by ESMA where it emerged that the majority of trading volumes traded under a waiver were executed under the SSTI waiver. Yet, as flagged by ESMA in last year's report and as mentioned in numerous instances, a number of data quality issues might have distorted last year's statistics and therefore the 2020 dataset used now for comparative purposed does not take into account the trading venue whose contribution might have had an impact on ESMA's analysis.

110. In addition, the 2021 data appears to be consistent with the pre-Brexit figures (i.e. 2019) where the LIS and the illiquid waiver were also the most used in practice (55% and 40% respectively) while the SSTI waiver accounted for only 5%.

FIGURE 18: TOTAL TRADING VOLUME UNDER A WAIVER IN Y2020* AND Y2021, PER WAIVER TYPE

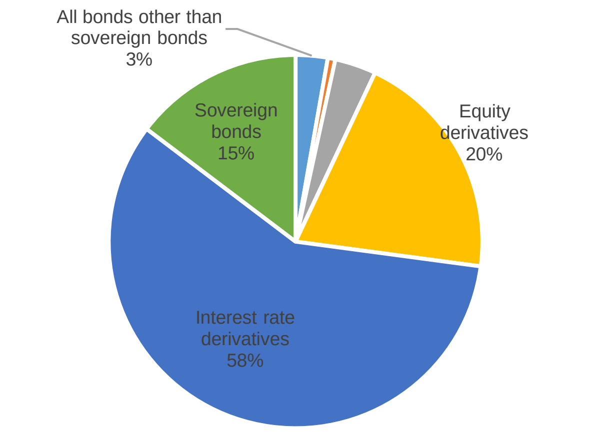


Note: Y2020*
Source: ESMA data collection from trading venues

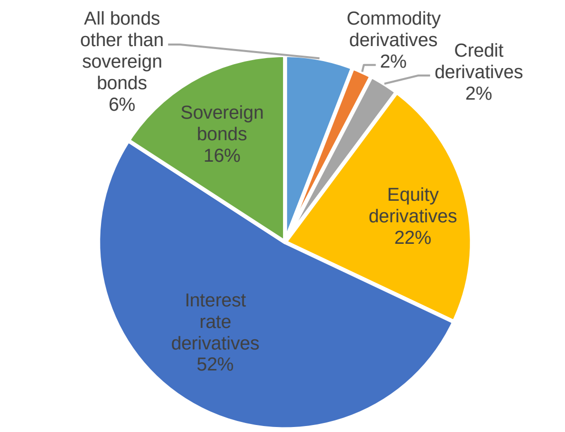
Note: Y2021
Source: ESMA data collection from trading venues

111. When analysing the total trading activity under a waiver per asset class in 2021, it can be noted that interest rate derivatives were the type of instrument that most often benefitted from a waiver in 2021 (see Figure 19) accounting for 52% of the total, followed by equity derivatives (22%), sovereign bonds (16%), all bonds other than sovereign bonds (6%), commodity derivatives (2%) and credit derivatives (2%). The results appear fully in line with last year's findings where interest rate derivatives were also the type of instrument that most often benefited from a waiver (58% of the total), followed by equity derivatives (20%), sovereign bonds (15%), credit derivatives (3%), all bonds other than sovereign bonds (3%) and commodity derivatives (1%) as shown in Figure 19 below.

FIGURE 19: TOTAL TRADING VOLUME UNDER A WAIVER IN Y2020* AND Y2021, PER ASSET CLASS



Note: Y2020*
Source: ESMA data collection from trading venues



Note: Y2021
Source: ESMA data collection from trading venues

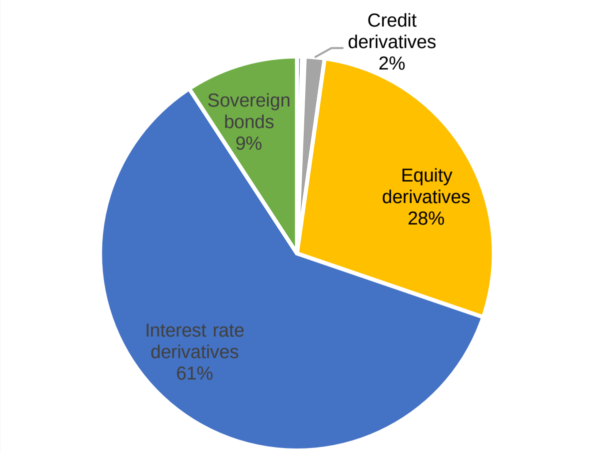
112. Most of the trading volume under the LIS, Illiquid, SSTI and OMF waivers was executed in interest rate derivatives.

113. Starting with the LIS waiver, interest rate derivatives accounted for 58% of the total trading volume under the waiver (Figure 20); under the illiquid waiver they accounted for 37% of the trading volume (Figure 21); under the SSTI waiver, they accounted for 78% (Figure 22), and finally under the OMF waiver interest rate derivatives accounted for 36% of the total (Figure 23).

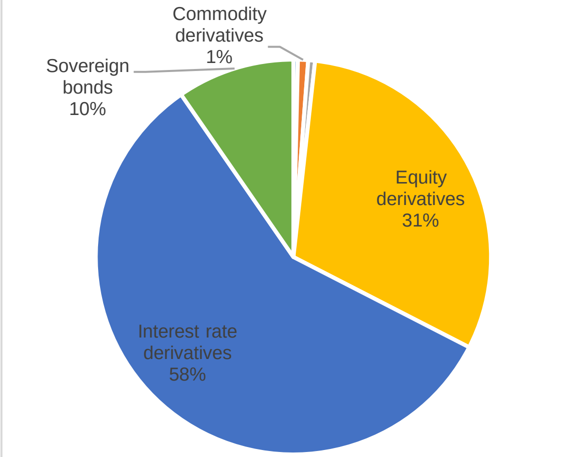
LIS

114. The distribution of total volume executed under the LIS waiver per asset classes remains consistent with last year's findings as interest rates derivatives, equity derivatives and sovereign bonds still appear as the three most traded asset classes under this type of waiver (see Figure 20 below).

FIGURE 20: TOTAL TRADING VOLUME EXECUTED UNDER AN LIS WAIVER IN Y2020* AND Y2021 - PER ASSET CLASS



Note: Y2020*
Source: ESMA data collection from trading venues

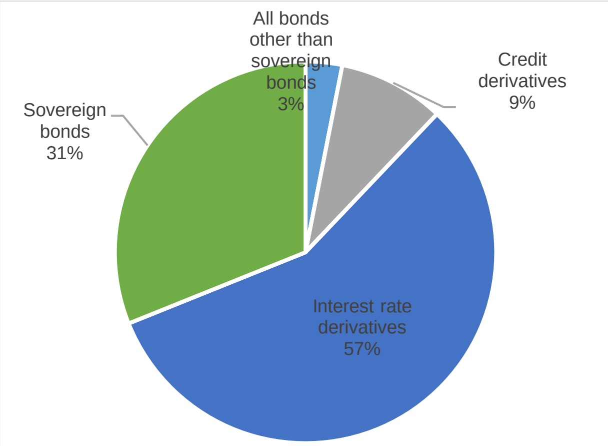


Note: Y2021
Source: ESMA data collection from trading venues

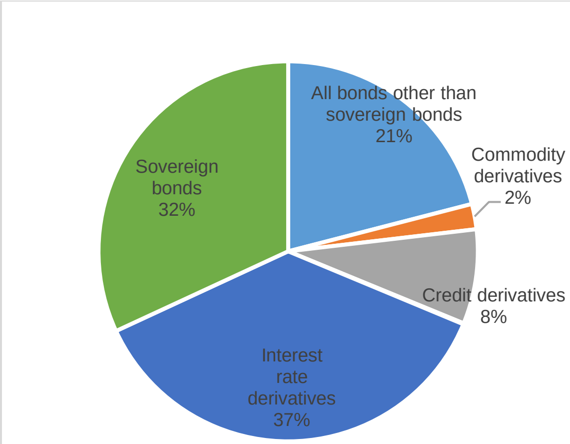
Illiquid

115. With respect to the illiquid waiver, interest rate derivatives are the asset classes that more often benefitted from a waiver (37% of the total trading volume vs 57% in 2020), followed by sovereign bonds (32% in 2021 vs 31% in 2020), all bonds other than sovereign (21% in 2021 vs 3% in 2020) and credit derivatives (8% in 2021 vs 9% in 2020). The complete overview is presented in Figure 21 below.

FIGURE 21: TOTAL TRADING VOLUME EXECUTED UNDER AN ILLIQUID WAIVER IN Y2020* AND 2021- PER ASSET CLASS



Note: Y2020*
Source: ESMA data collection from trading venues



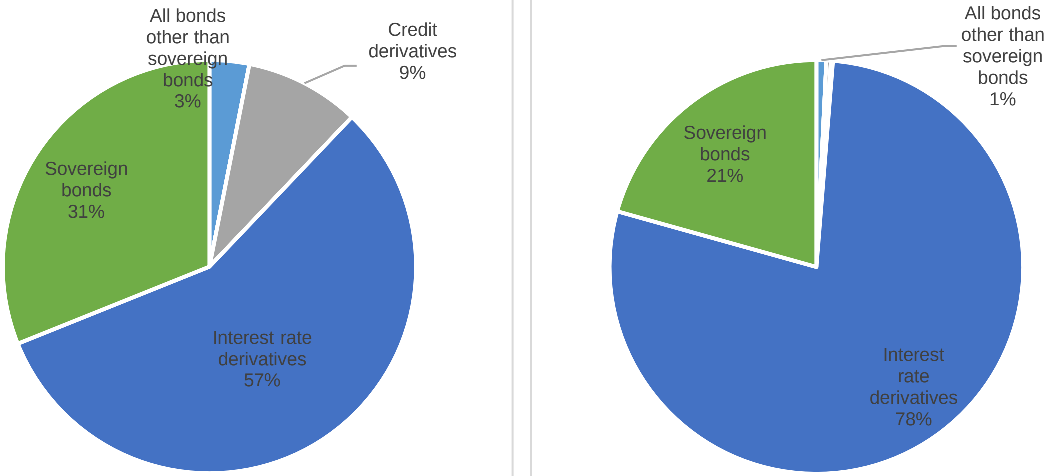
Note: Y2021
Source: ESMA data collection from trading venues

SSTI

116. The distribution with respect to the SSTI waiver is also similar to last years' although the share of trading volumes executed for interest rate derivatives rose from 57% to

78% over 2021, while it decreased for sovereign bonds (31% to 21%).

FIGURE 22: TOTAL TRADING VOLUME EXECUTED UNDER AN SSTI WAIVER IN Y2020* AND Y2021 - PER ASSET CLASS



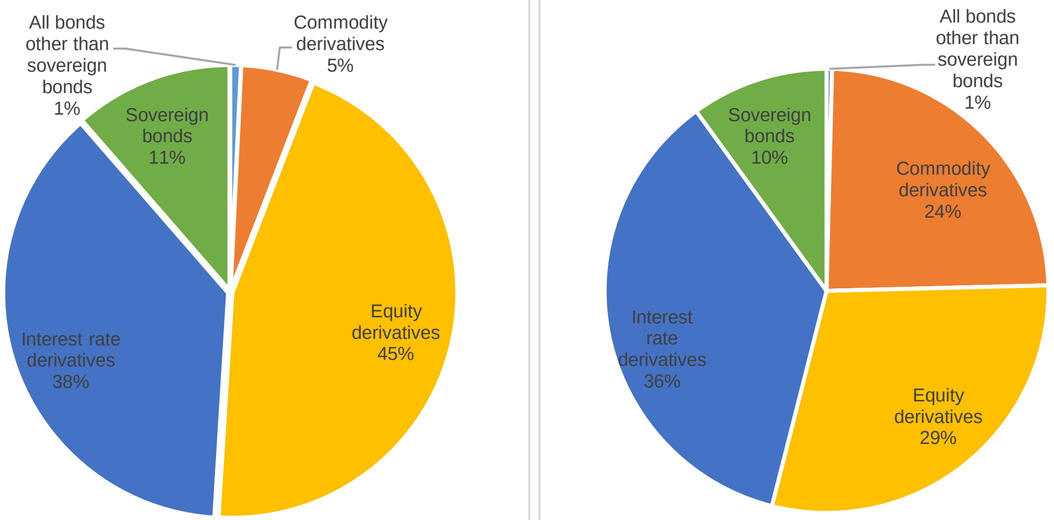
Note: Y2020*
Source: ESMA data collection from trading venues

Note: Y2021
Source: ESMA data collection from trading venues

OMF

117. Lastly, Figure 23 shows the distribution of the total volume executed under the OMF waiver per asset class in both 2020 and 2021, with interest rate derivatives accounting for 36% of the total, followed by equity (29%) and commodity derivatives (24%).

FIGURE 23: TOTAL TRADING VOLUME EXECUTED UNDER AN OMF WAIVER IN Y2020* AND Y2021 - PER ASSET CLASS



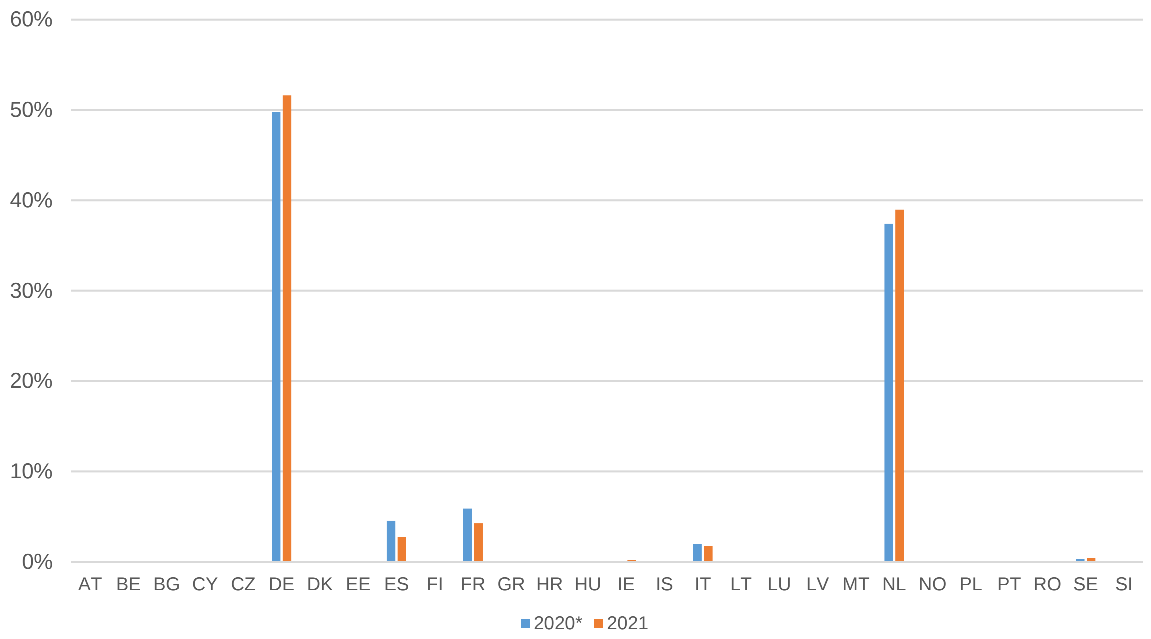
Note: Y2020*
Source: ESMA data collection from trading venues

Note: Y2021
Source: ESMA data collection from trading venues

Per country analysis across waivers

118. With the help of the data gathered from trading venues, ESMA has looked at the countries where most of trading volume traded under a waiver was executed. The great majority of the trading volume traded under a waiver in 2021 took place in Germany (51%), followed by the Netherlands (39%), France (4%), Spain (3%) and Italy (2%) while all other jurisdiction accounted for less than 1%. Due to the limited quality of the data gathered by trading venues, ESMA has not looked at how these figures compare to the total turnover in these jurisdictions. Compared to last year, no major differences were observed and the trend appears rather stable (see Figure 24 below).

FIGURE 24: TOTAL TRADING VOLUME EXECUTED UNDER A WAIVER IN Y2020* AND Y2021 – PER COUNTRY



Source: ESMA data collection from trading venues

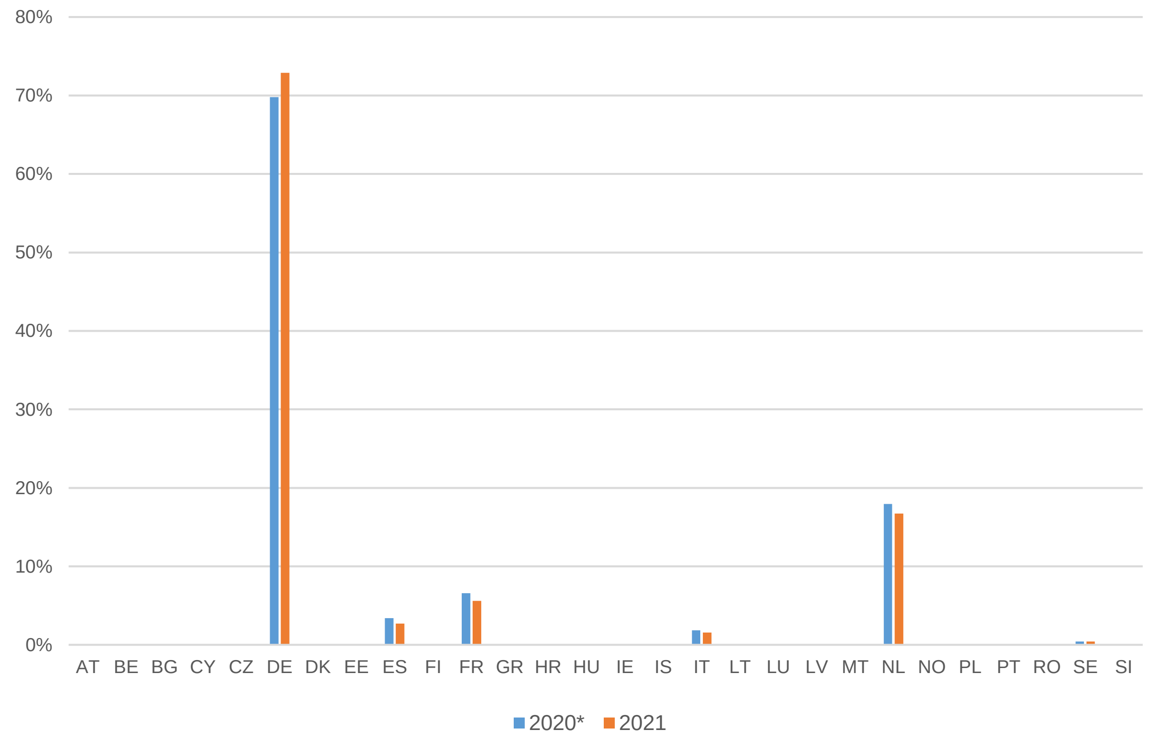
119. The analysis on the total turnover traded under the different waivers per jurisdiction shows that most of trading took place in Germany for the LIS and OMF waivers and in the Netherlands for the illiquid and SSTI waivers. A more detailed comparison with last year is provided in Figure 25, 26, 27 and 28 below.

LIS

120. When looking at the y-o-y change of the volume executed under the waivers in the countries with the highest turnover, it emerges that the trading activity under the LIS waiver has slightly increased in Germany (+3% in relative terms) while it remained

stable in France, the Netherlands , Spain and Italy.

FIGURE 25: TOTAL TURNOVER TRADED UNDER AN LIS WAIVER IN Y2020* AND Y2021 - PER COUNTRY

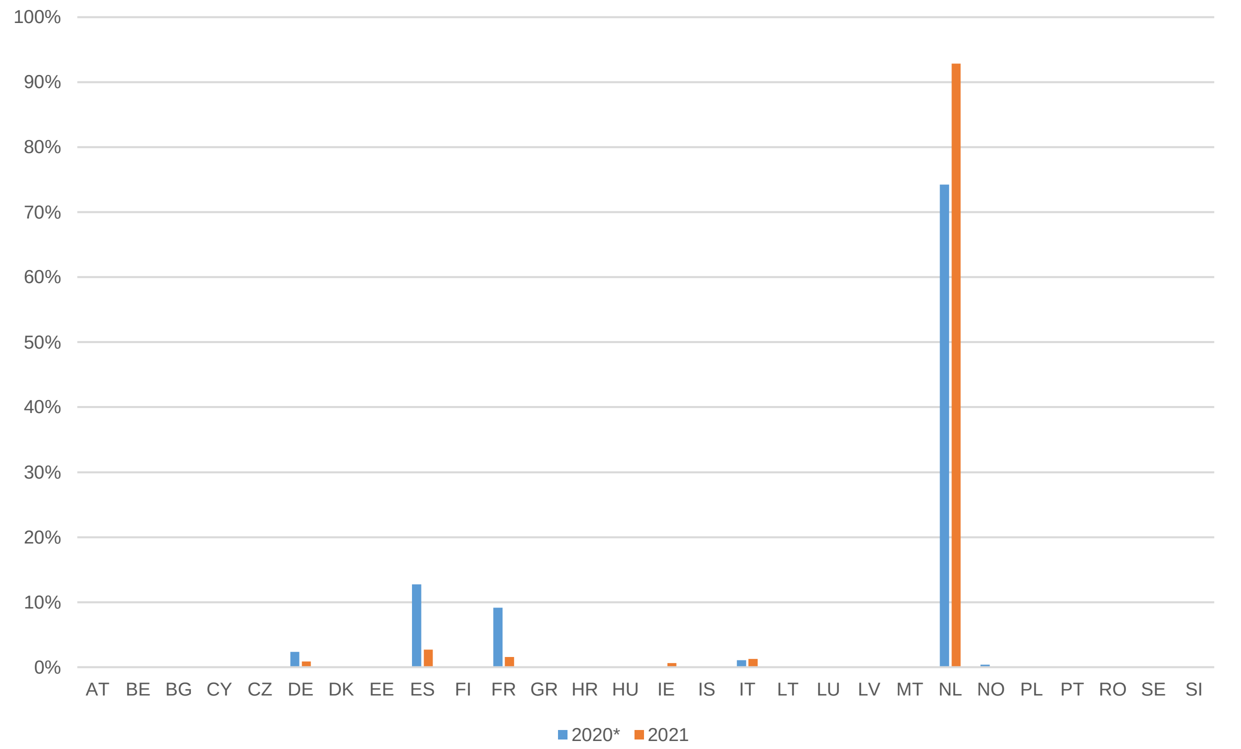


Source: ESMA data collection from trading venues

Illiquid

121. With respect to the volume executed under an illiquid waiver, the most important changes compared to last year are represented by the share of trading executed on Dutch (+19% in relative terms), Spanish (-10%) and French (-8%) venues. For the other jurisdictions, no major changes were observed.

FIGURE 26: TOTAL TURNOVER TRADED UNDER AN ILLIQUID WAIVER IN Y2020* AND Y2021 - PER COUNTRY

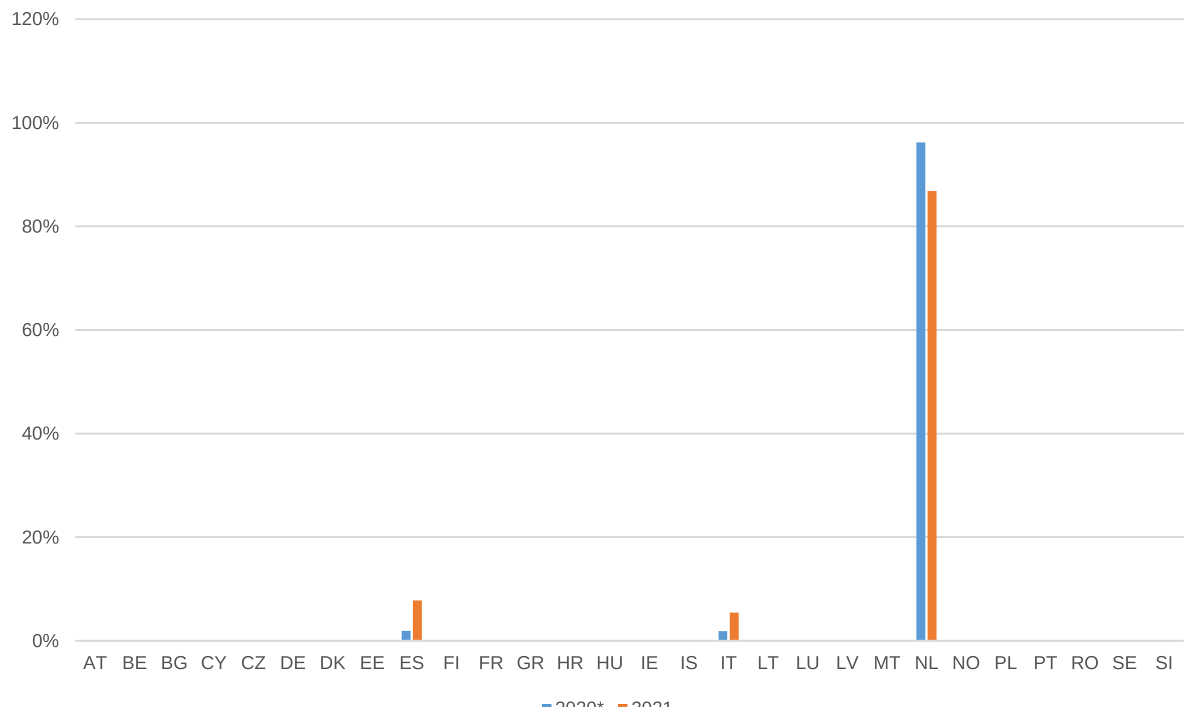


Source: ESMA data collection from trading venues

SSTI

122. On the SSTI waiver, when considering the 2020 adjusted dataset, the picture is similar to last year notwithstanding a small decrease of volume traded in the Netherlands (-9% in relative terms) and a slight rise in Spain (6%) and Italy (3%).

FIGURE 27: TOTAL TURNOVER TRADED UNDER AN SSTI WAIVER IN Y2020* AND Y2021 - PER COUNTRY

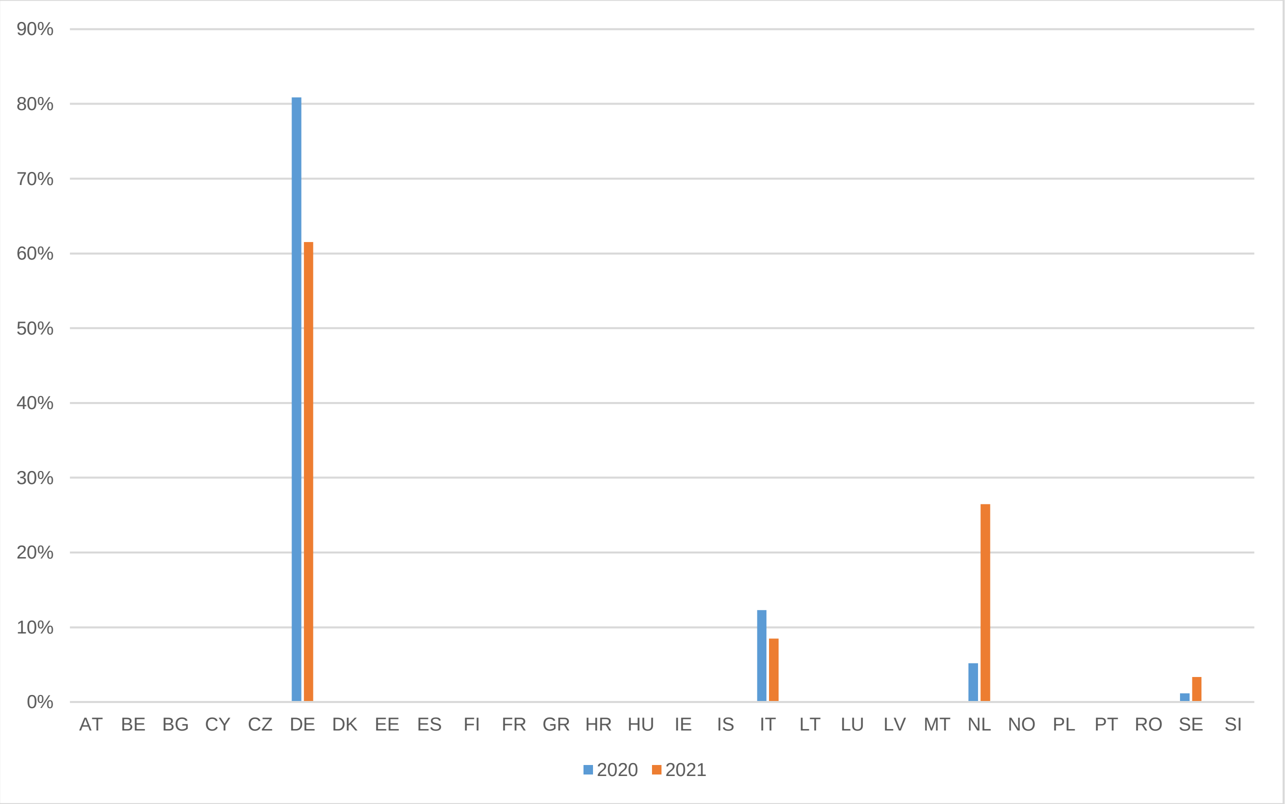


Source: ESMA data collection from trading venues

OMF

123. With respect to the OMF waiver, the most meaningful variations compared to last year were observed in Germany and in the Netherlands. In the first case, the share of volume traded under an OMF waiver shrank from 81% to 62% but this is only a relative variation considering that the volume traded in Germany remained stable over the observation period (-1%). Dutch venues accounted for 26% of the total in 2021, compared to 5% in 2020. This bigger share also reflects the important grow of volume traded under the OMF waiver between 2020 and 2021, which recorded a +500%.

FIGURE 28: TOTAL TURNOVER TRADED UNDER AN OMF WAIVER IN Y2020* AND Y2021 - PER COUNTRY



Hedging exemption

124. Last but not least, ESMA also collected information on the type of derivatives traded under the hedging exemption under Article 8(1) of MiFIR. According to the data collected, the only asset class benefitting from the hedging exemption is commodity derivatives.

5.3.3 Non-equity waivers packages

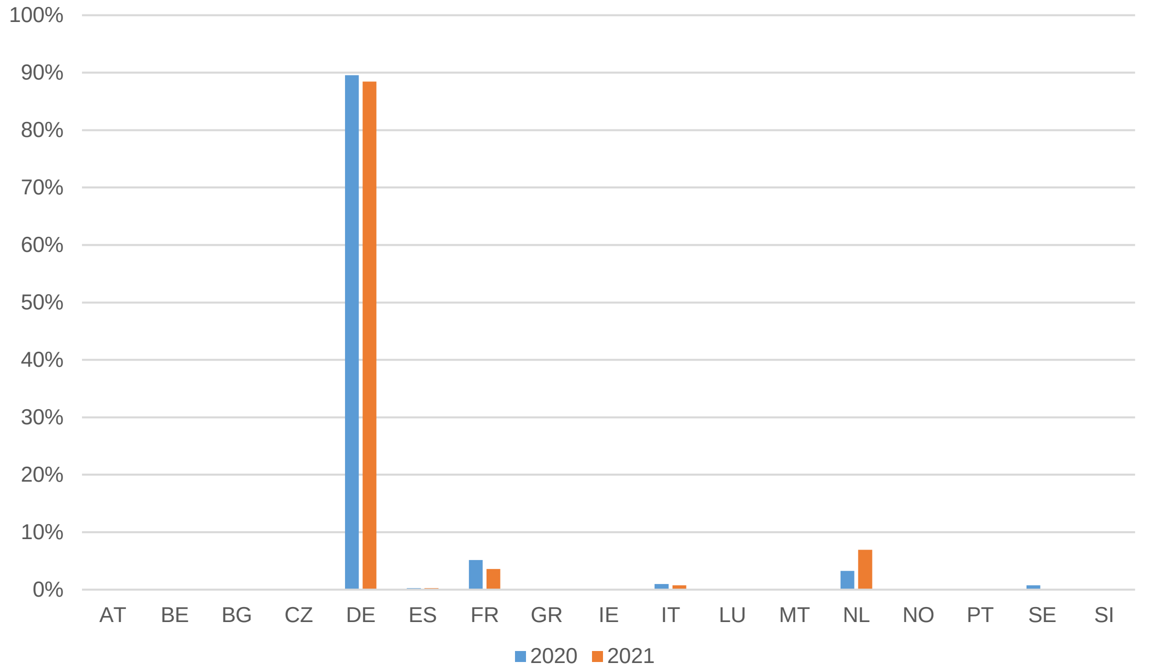
125. With respect to non-equity waivers packages, in the context of the data collection exercise directed to trading venues, ESMA received responses from 16 jurisdictions and 40 operating MICs (36 in 2020). Most of those operating MICs provided information for multiple segment MICs, which gave an overview of the implementation of the waiver regime for packages in 94 segment MICs (88 in 2020).

126. As far as the total trading volume executed in package transactions in 2020 is concerned, the majority took place on RMs (93% in 2021, 96% in 2020), followed by MTFs (6% in 2021 vs. 1% in 2020) and OTFs (1% in 2021 vs. 2% in 2020). The picture is almost identical when observing the total trading volume executed in package transactions subject to any package waiver as the vast majority took place on RMs (93% in 2021 vs. 98% in 2020), followed by MTFs (6% in 2021) and OTFs (1% in 2021) while in 2020 MTFs and OTFs only accounted for 2% of the total on an aggregated basis.

127. ESMA also analysed the use of package transactions across Member States and the

results are presented below (see Figure 29). By observing the total volume traded in package transactions subject to any package waiver in 2021, it can be noted that, similarly to last year, most of the trading took place in Germany (88%) followed by the Netherlands (7%), France (4%) and Italy (1%).

FIGURE 29: TOTAL VOLUME TRADED IN PACKAGE TRANSACTIONS SUBJECT TO ANY PACKAGE WAIVER - PER COUNTRY



Source: ESMA data collection from trading venues

6 Application of proposed arrangements for trade-deferred publication on non-equity

6.1 Background information

128. Article 11 of MiFIR allows NCAs to authorise market operators and investment firms operating a trading venue to provide for deferred publication of the details of transactions based on their type or size.

129. In particular, according to Article 11(1) of MiFIR, as further specified in Article 8 of RTS 2, NCAs may authorise the deferred publication in respect of transactions that are:

a) large in scale compared with the normal market size for that bond, structured finance product, emission allowance or derivative traded on a trading venue, or for that class of bond, structured finance product, emission allowance or derivative traded on a trading venue; or

b) related to a bond, structured finance product, emission allowance or derivative traded on a trading venue, or a class of bond, structured finance product, emission allowance or derivative traded on a trading venue for which there is not a liquid market;

c) above a size specific to that bond, structured finance product, emission allowance or derivative traded on a trading venue, or that class of bond, structured finance product, emission allowance or derivative traded on a trading venue, which would expose liquidity providers to undue risk and takes into account whether the relevant market participants are retail or wholesale investors.

130. Moreover, Article 8 of RTS 2 specifies the criteria for package transactions to benefit from a deferral following that i) one or more of its components are transactions in financial instruments which do not have a liquid market; ii) one or more of its components are transactions in financial instruments that are large in scale compared with normal market size; or iii) one or more of its components are above the size specific to the instrument and the transaction is executed between an investment firm dealing on own account other than on a matched principal basis and another counterparty.

131. Market operators and investment firms operating a trading venue need to obtain the NCA's prior approval of proposed arrangements for deferred trade-publication and should clearly disclose those arrangements.

132. Article 11(3) of MiFIR, as further specified in Article 11 of RTS 2, describes the cases of supplementary deferrals that NCAs authorities may allow or request, in conjunction with an authorisation of deferred publication. NCAs may:

- as per Article 11(3)(a), request the publication of limited details of a transaction or details of several transactions in an aggregated form, or a combination thereof, during the time period of deferral;

- as per Article 11(3)(b), allow the omission of the publication of the volume of an individual transaction during an extended time period of deferral;

- as per Article 11(3)(c), regarding sovereign debt instruments that are not sovereign debt, allow the publication of several transactions in an aggregated form during an extended time period of deferral;

- for sovereign debt instruments, as per Article 11(3)(d), allow the publication of several transactions in an aggregated form for an indefinite period of time. NCAs may allow applying Article 11(3)(b) and (d) of MiFIR consecutively.

133. Finally, according to Article 11(1) of MiFIR, ESMA has to monitor the application of the deferral arrangements and submit this information to the Commission by describing how they are applied in practice. For this reason, a data collection exercise

has been performed together with NCAs and trading venues under their jurisdiction, in order to have an overview of the applications of deferred trade-publications for both on-venue and OTC transactions.

6.2 On-venue transactions

6.2.1 Background information

134. Article 10(1) of MiFIR provides that market operators and investment firms operating a trading venue should make public the price, volume and time of the transactions executed in respect of bonds, structured finance products, emission allowances and derivatives traded on that trading venue. Market operators and investment firms operating a trading venue should make details of all such transactions public as close to real-time as is technically possible.

135. As set out above, Article 11(1) and (3) of MiFIR, as further specified in Articles 8 and 11 of RTS 2, allow NCAs to authorise the deferred publication of post-trade information for certain transactions.

6.2.2 Analysis of the application of the deferral regime on-venue - per MIC

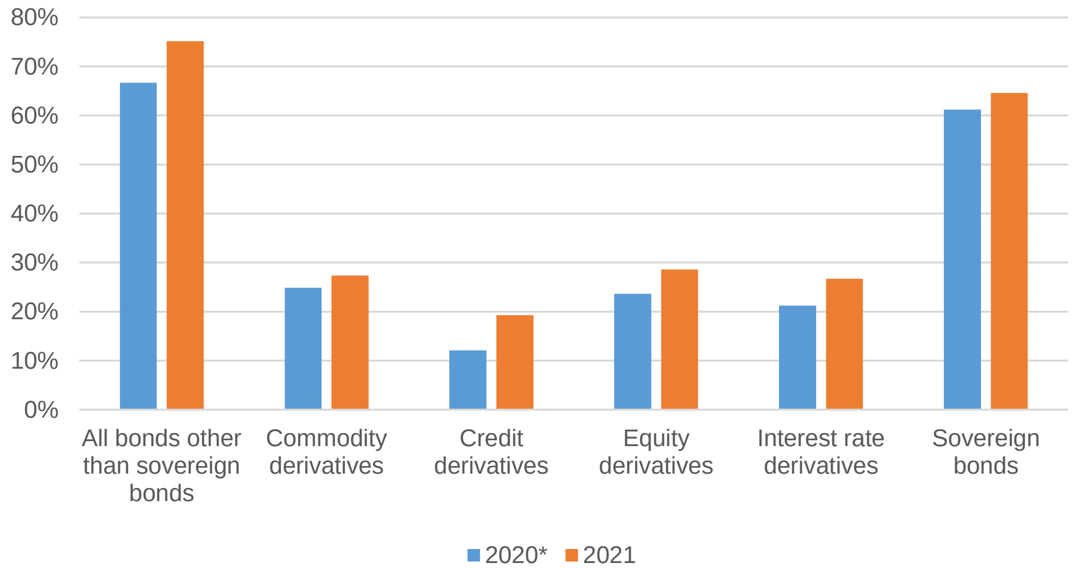
136. For non-equity instruments, 26 jurisdictions provided information on the application of deferral regimes by trading venues (RMs, MTFs and OTFs). ESMA retrieved data from 70 operating MICs (69 in 2020), which in total provided an overview of 161 segment MICs (166 in 2020).

137. The information was provided per asset class for each type of deferral (LIS, ILQ and SSTI). As already pointed out in section 5.3, the data collection covered bonds, interest rate derivatives, equity derivatives, commodity derivatives, and credit derivatives. Furthermore, in line with last year, only data on the volume (and not the number of transactions) was collected and no information on the application of deferrals to packages was requested.

138. In addition, as already pointed out earlier in the report, also in the case of deferrals one trading venue could not provide accurate information. Consequently, the data reported by that venue were not taken into account in the statistics presented in the following sections. As already done for waivers, in order to make the 2020 and 2021 datasets as comparable as possible, ESMA decided to exclude the data provided by the same trading venue also for the year 2020 when using those figures for comparative purposes.

139. In line with last year's findings, the instruments that were more commonly made available for trading across segment MICs were all bonds other than sovereign and sovereign bonds (see Figure 30).

FIGURE 30: PERCENTAGE OF SEGMENT MICS WHERE THE INSTRUMENT ARE AVAILABLE FOR TRADING IN Y2020* AND Y2021



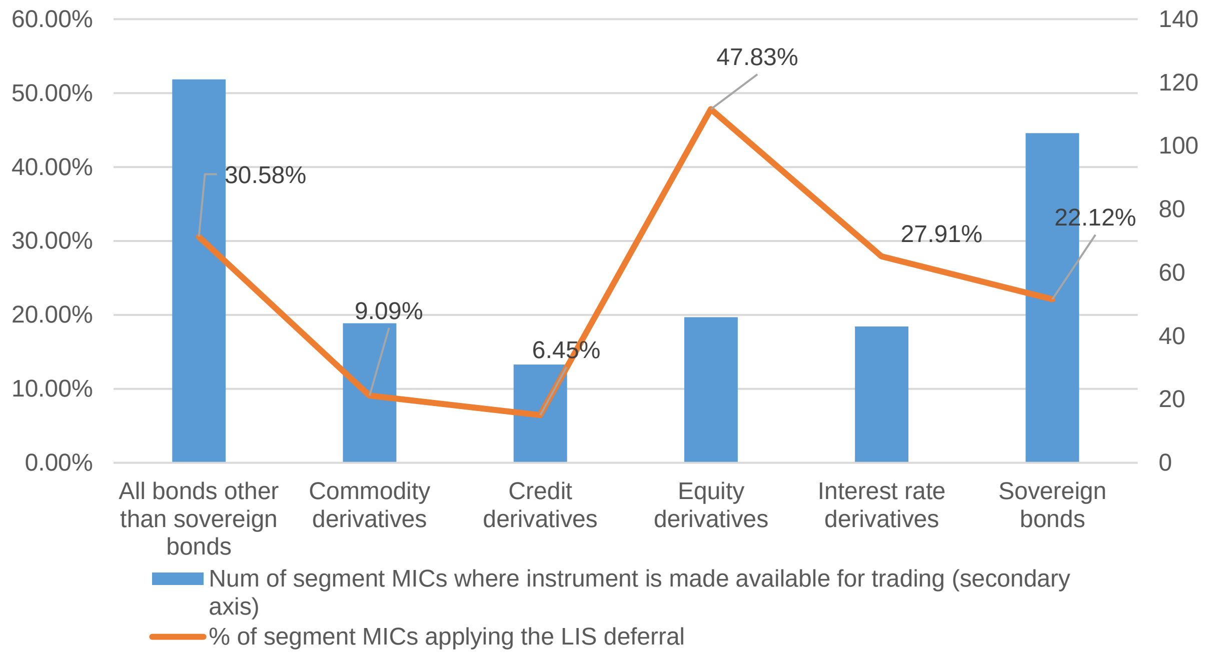
Source: ESMA data collection from trading venues

LIS

140. It can be observed that the LIS deferral was a commonly used type of deferral across trading venues for most types of non-equity instruments in 2021, in particular equity derivatives (48% of segments MICs applying the deferral), all bonds other than sovereign (31%), interest rate derivatives (28%), sovereign bonds (22%), commodity derivatives (9%) and credit derivatives (6%) (See Figure 31).

141. Compared to last years, the percentage of segment MICs applying the LIS deferrals has decreased for credit derivatives (from 10% to 6%) and interest rate derivatives (from 34% to 28%), it has risen for bonds other than sovereign (from 20% to 31%), equity derivatives (from 23% to 48%) and commodity derivatives (from 7% to 9%), while it remained stable for sovereign bonds (22%).

FIGURE 31: PERCENTAGE OF SEGMENT MICS THAT APPLY DEFERRALS FOR LIS TRANSACTIONS IN Y2021



Source: ESMA data collection from trading venues

Illiquid and SSTI

142. The picture on the percentage of segment MICs applying the deferral for illiquid instruments is presented in Figure 42 in Annex III, and for the SSTI deferral in Figure 44 in Annex III. Annex III also provides an overview of the distribution observed last year (See Figure 43 and Figure 45).

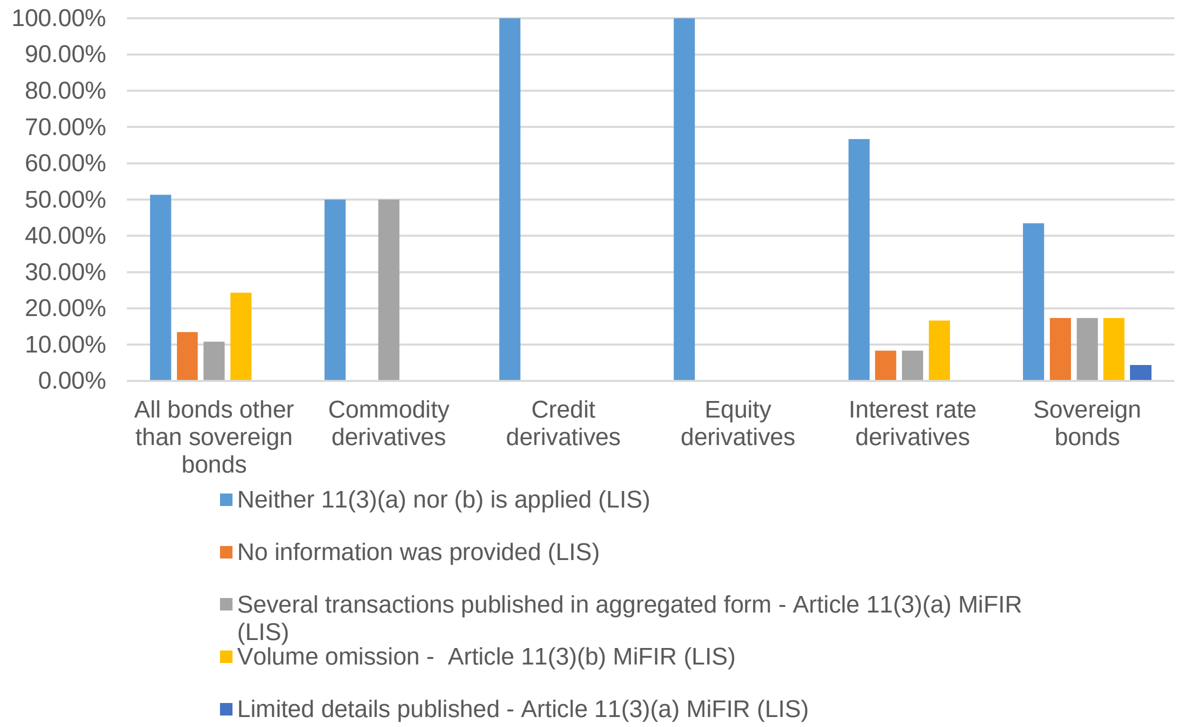
Deferral regime at the discretion of NCAs

143. The deferral regime in MiFIR includes the possibility for NCAs, at their discretion, to require further details of a transaction or allow for supplementary deferrals.

144. Article 11(3)(a) of MiFIR allows NCAs to request the publication of limited details of a transaction or several transactions in an aggregated form, or a combination thereof, during the time period of deferral. Furthermore, Article 11(3)(b) of MiFIR provides that NCAs may allow the omission of the publication of the volume of an individual transaction during an extended time period of deferral.

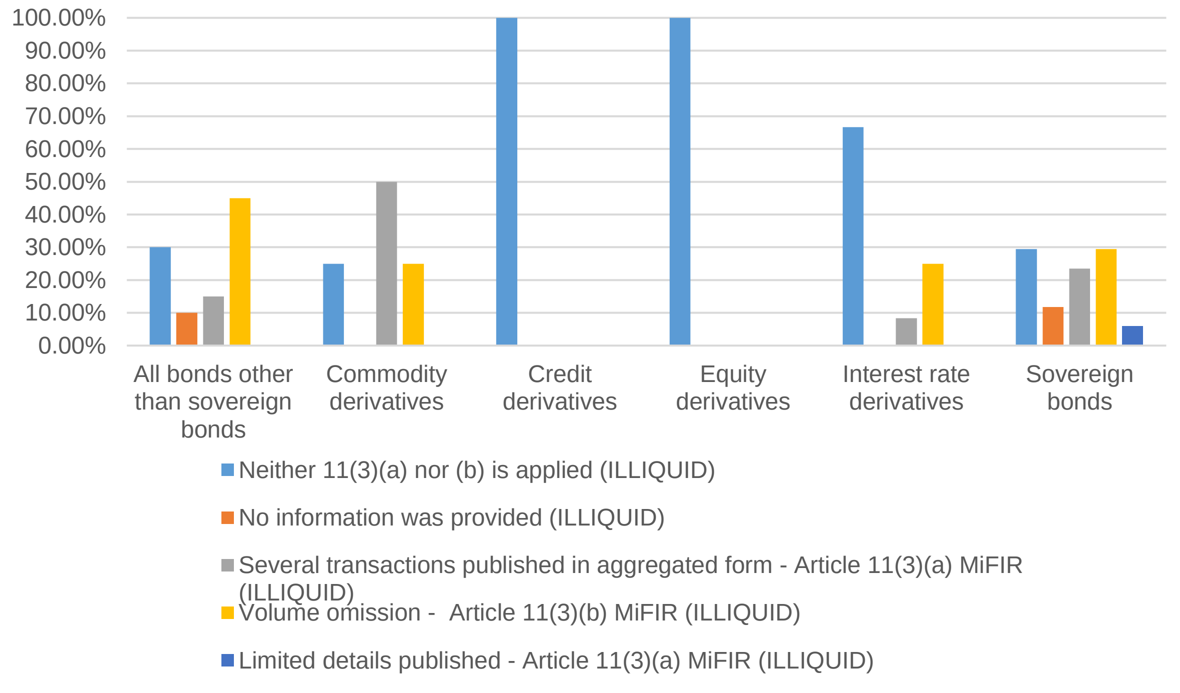
145. The percentage of segment MICs using the different options in the case of the LIS, Illiquid and SSTI deferrals are provided in the figures below (Figure 32, Figure 33, Figure 34 respectively). Contrary to last year, where no trading venues applied the provision in Article 11(3)(a) to publish limited details during the time period of the deferral, this provision was applied by one trading venue in 2021 for sovereign bonds and it is now included in the figures below. With respect to other instruments, despite some minor changes mainly related to equity and commodity derivatives, the trend appears rather similar to what was observed last year.

Figure 32: Application of 11(3)(a) and (b) – LIS



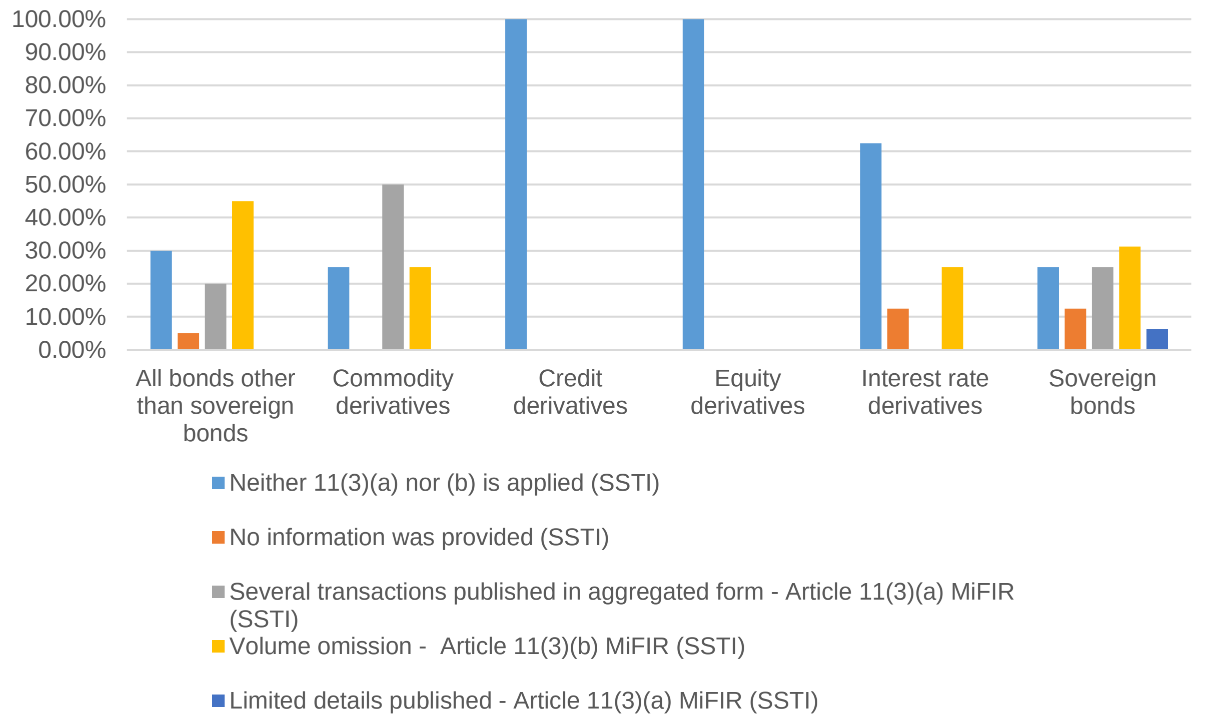
Source: ESMA data collection from trading venues

Figure 33: Application of 11(3)(a) and (b) – Illiquid



Source: ESMA data collection from trading venues

Figure 34: Application of 11(3)(a) and (b) – SSTI



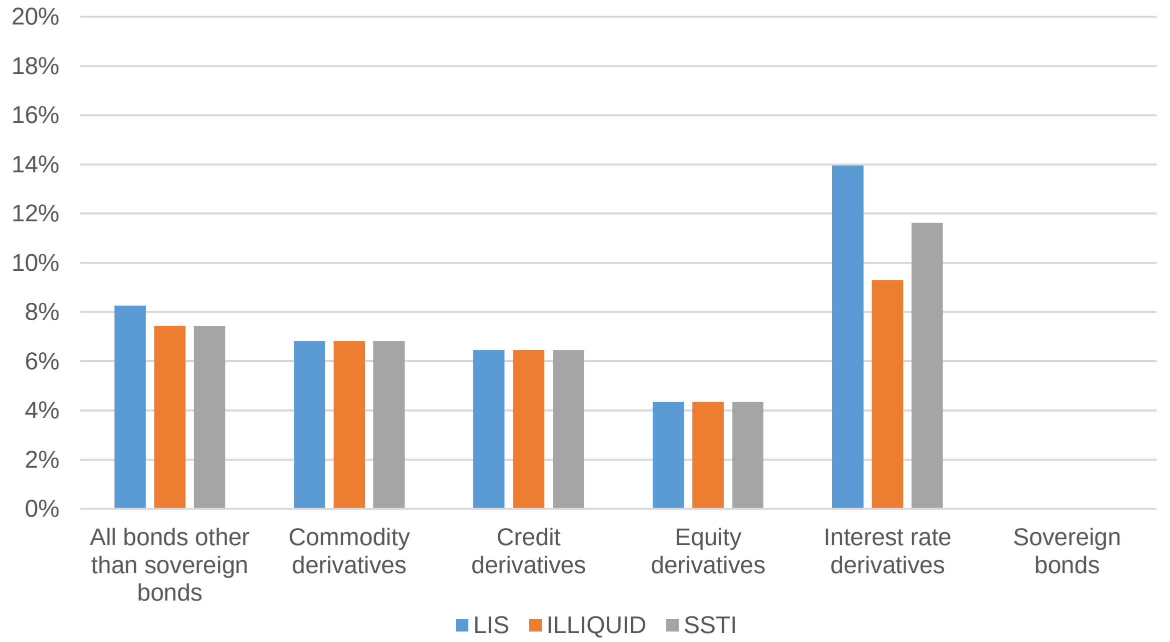
Source: ESMA data collection from trading venues

146. For non-equity instruments that are not sovereign debt, Article 11(3)(c) of MiFIR allows the publication of several transactions in an aggregated form during an extended period of deferral.

147. Figure 35 shows the percentages of segment MICs that used this type of deferral over the total number of MICs that allowed for trading the relevant asset class. In line with last year's figures, interest rate derivatives are the asset class with the highest percentages of MICs which used this option across all types of deferrals, although there has been a slight relative decrease compared to 2020 (14% for LIS, 12% for SSTI and 9% for illiquid in 2021 vs. 19% for the three deferral types in 2020). The absolute number of MICs applying Article 11(3)(c) for interest rate derivatives has also decreased from 7 (for LIS, ILQ and SSTI) to 6 (LIS), 4 (ILQ) and 5 (SSTI), while the number of MICs making the instrument available for trading has increased from 36 to 43 and this also explains the relative change.

148. Finally, it should be reminded that for sovereign bonds this is not an option that NCAs can allow, which explains the 0% in the figure below.

FIGURE 35: APPLICATION OF 11(3)(C) FOR ALL TRANSACTION TYPES

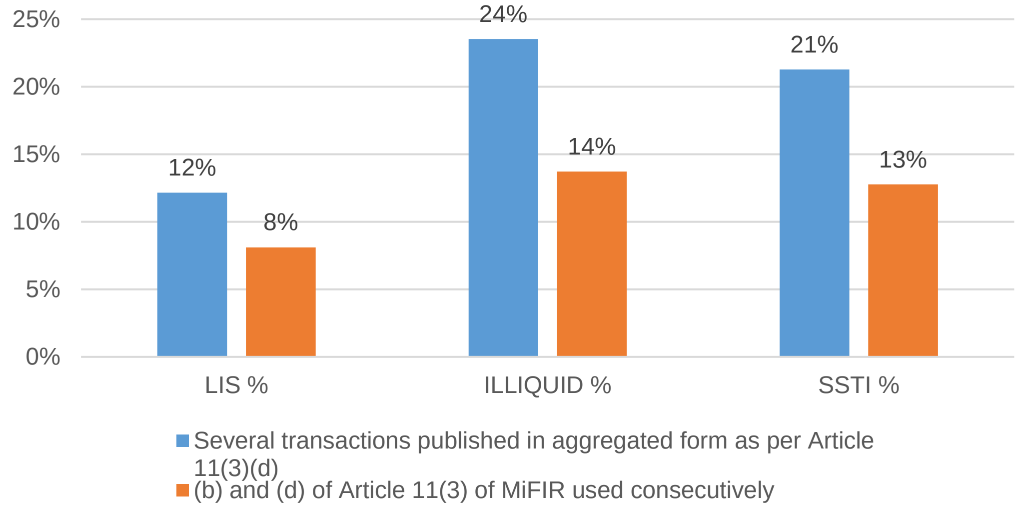


Source: ESMA data collection from trading venues

149. Finally, trading venues were required to provide information on whether for sovereign bonds, in conjunction with the deferred publication, several transactions were published for an indefinite period in aggregated form as per Article 11(3)(d) of MiFIR and Article 11 of RTS 2. As indicated in Figure 36, around 24% of the segment MICs that used illiquid deferral applied this option for sovereign bonds, 21% of MICs used it under the SSTI deferral and 12% of MICs used it under the LIS deferral.

150. In addition, it can be noted that a smaller percentage of segment MICs used the option under Article 11(3)(d) consecutively to the volume omission as per Article 11(3)(b) compared to the mere publication of several transactions in aggregated form as per Article 11(3)(d). More in detail, the percentage of segment MICs that used that option was 14% for the illiquid deferral, 13% for the SSTI and 8% for the LIS. A general rise in the percentage of MICs applying both options can be noted with respect to the figures presented in the context of last year's report.

FIGURE 36: APPLICATION OF 11(3)(D) AND 11(3)(B) WITH 11(3)(D) CONSECUTIVELY



Source: ESMA data collection from trading venues

6.2.3 Analysis of the application of the deferral regime on-venue - trading activity

151. In addition to the data on the application of the non-equity deferral regime, presented above, ESMA also collected data on the trading activity executed per asset class which benefitted from a deferral.

152. The data on the trading volume reflects the deferral regime in place at the moment of the execution of the transactions in 2021.

153. According to the quantitative data gathered by ESMA, the option provided in Article 11(3)(a) for NCAs to request trading venues to publish either limited details or details of several transactions in an aggregated form during the time period of deferral was applied in practice in rare circumstances in 2021. More specifically, while trading venues did not report any volumes benefitting from the Illiquid and SSTI deferral and which were subject to the publication of details of several transactions during the period of deferral as per Article 11(3)(a), this appeared to be the case for the LIS deferrals. The data gathered shows indeed that for 50% of the volume traded in equity derivatives and using the LIS deferral, limited details or transactions in aggregated form were published during the deferral period (48h) This represents a change compared to last year were the option provided in Article 11(3)(a) was not applied in practice at all.

154. Table 10 and Table 11 provide for the percentage of volume that benefitted from the LIS, Illiquid and SSTI deferrals and for which, during the extended period of deferral (4 weeks) either (i) information on volume was omitted from the publication as per Article 11(3)(b) of MiFIR or (ii) several transactions were published in aggregated form as per Article 11(3)(c) of MiFIR.

155. Supplementary deferrals under Article 11(3)(b) and Article 11(3)(c) of MiFIR are both mainly used for interest rate derivatives (ILQ, SSTI) and sovereign bonds (LIS).

TABLE 10 : APPLICATION OF 11(3)(B) MIFIR – LIS, ILLIQUID, SSTI IN 2021

	LIS	Illiquid	SSTI
	Volume that benefitted from the LIS deferrals and that in conjunction with the deferred publication, during the extended period of deferral (4 weeks) information on volume was omitted from the publication as per Article 11(3)(b) of MiFIR and Article 11 of RTS 2 For sovereign bonds: of used separately from Article 11(3)(d) of MiFIR	Volume that benefitted from the Illiquid deferrals and that in conjunction with the deferred publication, during the extended period of deferral (4 weeks) information on volume was omitted from the publication as per Article 11(3)(b) of MiFIR and Article 11 of RTS 2 For sovereign bonds: if used separately from Article 11(3)(d) of MiFIR	Volume that benefitted from the SSTI deferrals and that in conjunction with the deferred publication, during the extended period of deferral (4 weeks) information on volume was omitted from the publication as per Article 11(3)(b) of MiFIR and Article 11 of RTS 2 For sovereign bonds: if used separately from Article 11(3)(d) of MiFIR
All other bonds other than sovereign	0.06%	0.70%	0.02%
Sovereign bonds	0.07%	2.66%	3.87%
Interest rate derivatives	0.06%	26.53%	12.16%
Equity derivatives	0.00%	0.00%	0.00%
Commodity derivatives	0.00%	0.00%	0.00%
Credit derivatives	0.00%	3.87%	0.0%
	0.19%	**33.76%**	**16.05%**

Source: ESMA data collection from trading venues

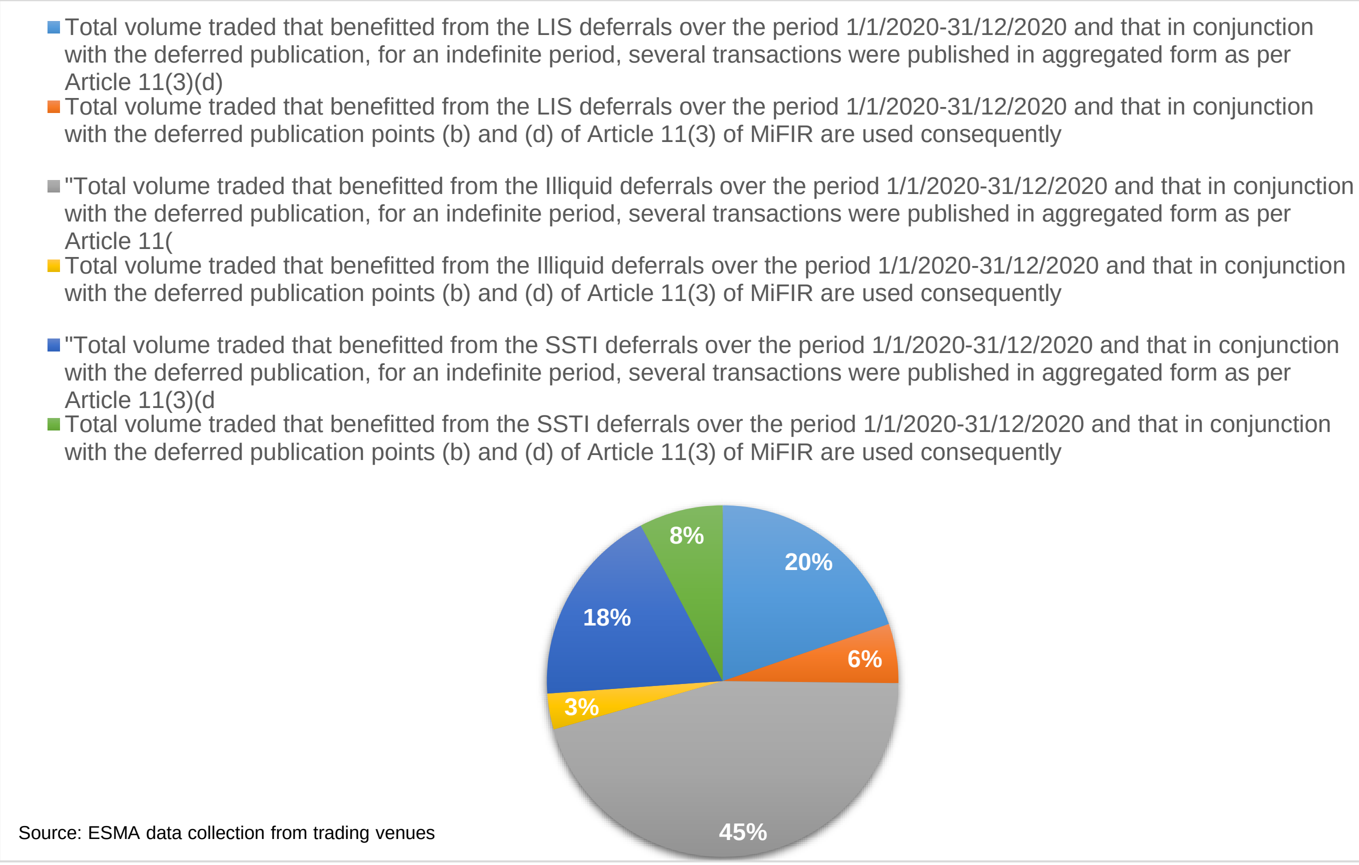
TABLE 11: APPLICATION OF 11(3)(C) MIFIR – LIS, ILLIQUID, SSTI IN 2021

	LIS	Illiquid	SSTI
	Volume that benefitted from the LIS deferrals and that in conjunction with the deferred publication, during the extended period of deferral (4-weeks), several transactions were published in aggregated form as per Article 11(3)(c) of MiFIR and Article 11 of RTS 2	Volume that benefitted from the Illiquid deferrals and that in conjunction with the deferred publication, during the extended period of deferral (4-weeks), several transactions were published in aggregated form as per Article 11(3)(c) of MiFIR and Article 11 of RTS 2	Volume that benefitted from the SSTI deferrals and that in conjunction with the deferred publication, during the extended period of deferral (4-weeks), several transactions were published in aggregated form as per Article 11(3)(c) of MiFIR and Article 11 of RTS 2
All other bonds other than sovereign	0.19%	7.19%	0.11%
Sovereign bonds	0.00%	0.00%	0.00%
Interest rate derivatives	4.12%	31.57%	3.71%
Equity derivatives	0.00%	0.00%	0.00%
Commodity derivatives	0.00%	0.00%	0.00%
Credit derivatives	0.00%	3.10%	0.00%
	4.31%	**41.86%**	**3.83%**

Source: ESMA data collection from trading venues

156. Figure 37 presents the application of Articles 11(3)(b) and 11(3)(d) of MiFIR to sovereign bonds transactions either separately or consecutively across the different types of deferrals, LIS, Illiquid and SSTI. In this case, the illiquid deferral appeared to be the most used in practice.

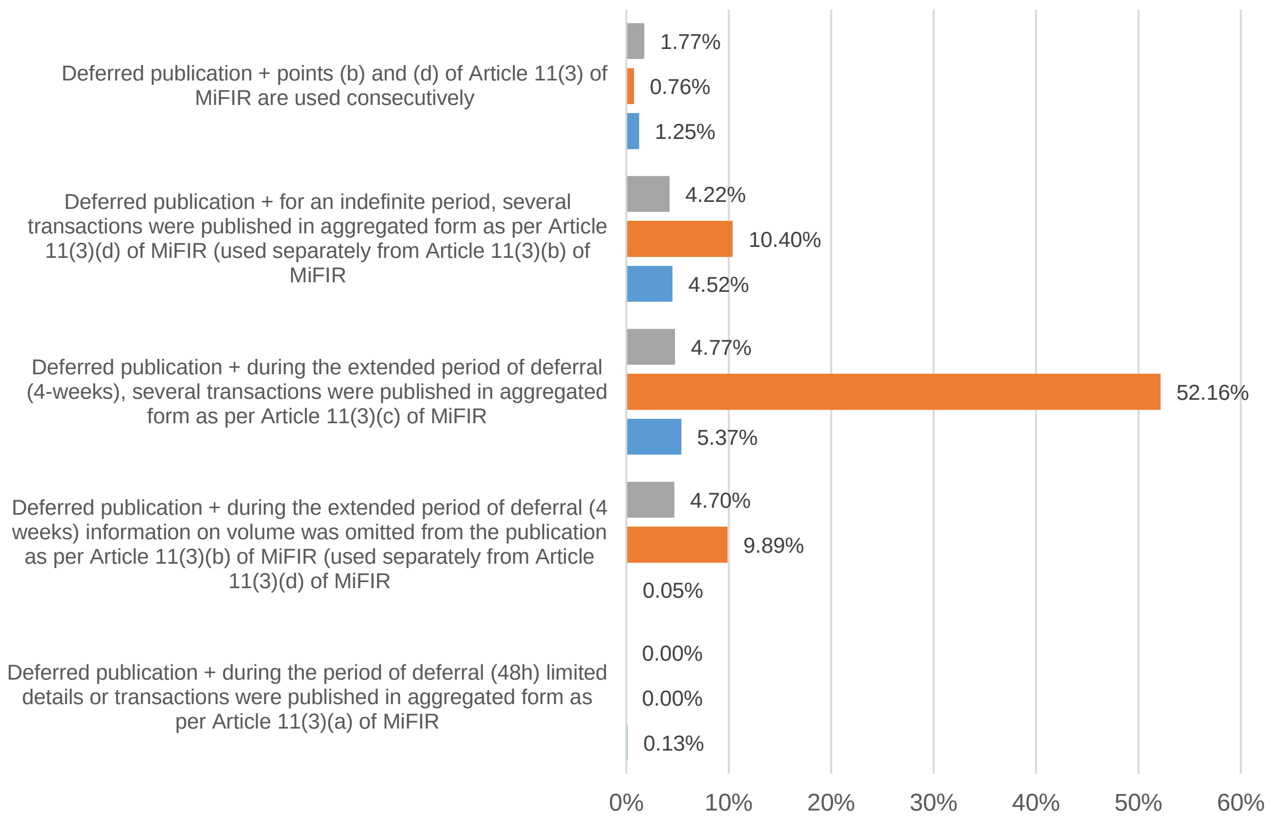
FIGURE 37: APPLICATION OF 11(3)(B) AND (D) OF MIFIR TO SOVEREIGN BONDS TRANSACTIONS SEPARATELY OR CONSECUTIVELY, IN 2021



Source: ESMA data collection from trading venues

157. Last but not least, when looking at the total trading volumes under a supplementary deferral for all asset classes, it can be noted that, in line with last year, the type of supplementary deferral mostly used was the one of Article 11(3)(c) of MiFIR, related to the publication of transactions in aggregated form during the extended period of deferral (LIS, ILQ, SSTI) (see Figure 38).

FIGURE 38: APPLICATION OF THE DEFERRALS IN 2021



Source: ESMA data collection from trading venues

6.3 OTC transactions

6.3.1 Background information

158. Article 21(1), (2) and (3) of MiFIR provides that investment firms which, either on own account or on behalf of clients, conclude transactions in bonds, structured finance products, emission allowances and derivatives traded on a trading venue, make public the volume and price of those transactions and the time at which they were concluded. This information should be made public through an APA.

159. Article 21(4) of MiFIR allows for deferred publication of post-trade information for certain categories of transactions, where the measures adopted pursuant to Article 11(1) and (3) of MiFIR, as further specified in Articles 8 and 11 of RTS 2, are applicable.

6.3.2 Analysis of the application of the deferral regime off-venue

160. ESMA identified the NCAs allowing and/or applying the deferral regime to non-equity instruments for OTC transactions through a data collection exercise to which 29

NCAs replied[31].

161. Similarly to what was observed last year, in a number of jurisdictions deferrals were granted by general ruling without requiring the notification of NCA of the application of the deferral by the Investment firms and systematic internalisers. Therefore, it was not possible to effectively assess to what extent deferrals were used in practice by investment firms and systematic internalisers in those jurisdictions. Consequently, those jurisdictions reported that the regime was allowed and presumably applied by investment firms and systematic internalisers.

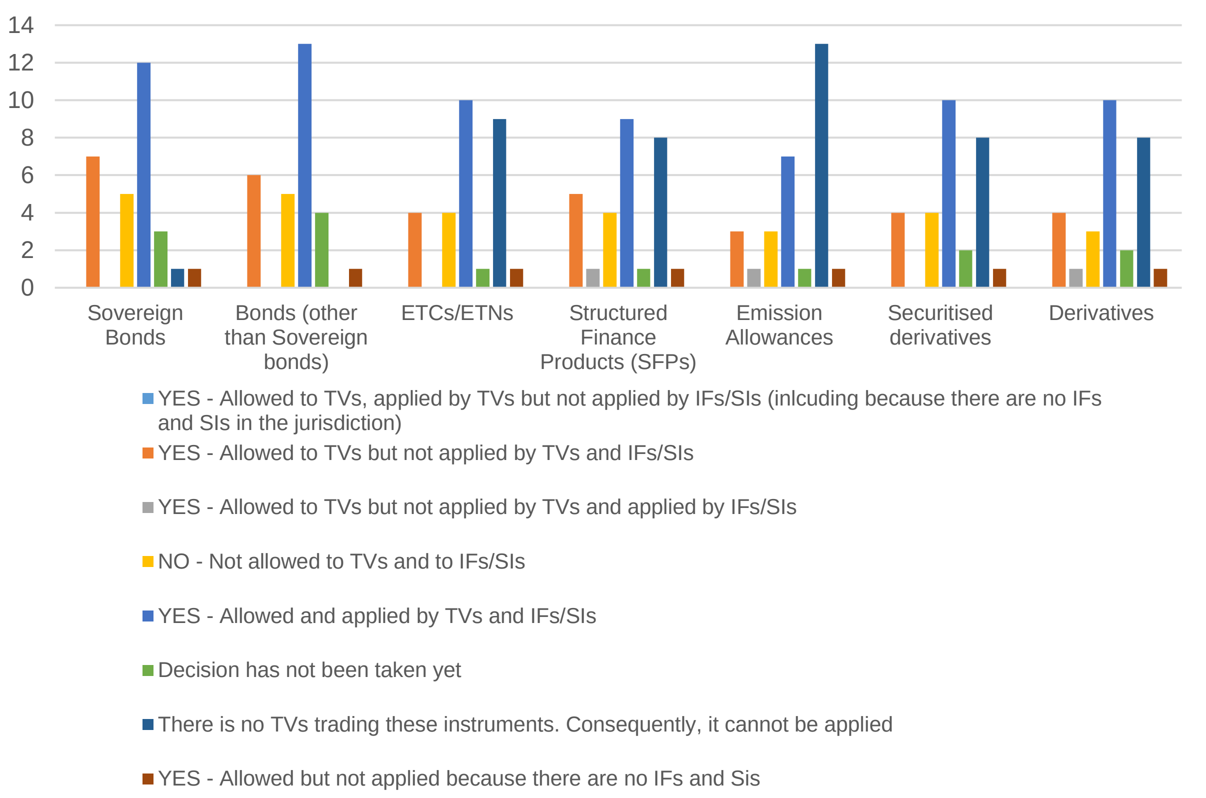
162. The specificities of how the deferral regime was applied across financial instruments were generally consistent for all transactions under which deferrals are allowed (LIS, Illiquid, SSTI, see Figure 39 below and in Figure 46 and 48 in Annex III).

163. The regime appears very similar to the one presented last year. More in detail, also in 2021, the figures show that in most of the cases, the majority of NCAs allowed the deferral regime and it was applied by Investment firms and systematic internalisers. This is however not the case for emission allowances where many NCAs reported that no trading venue traded such instruments and therefore the deferral regime could not be applied.

164. It should be noted that since securitised derivatives have per definition a liquid market, no figures for securitised derivatives are provided for transactions on illiquid instruments as it can be observed in Figure 46 in Annex III.

FIGURE 39: NUMBER OF NCAS APPLYING THE NON-EQUITY DEFERRAL REGIMES FOR LIS TRANSACTIONS

[31] ESMA received no information on the applicable deferral regime from Liechtenstein.



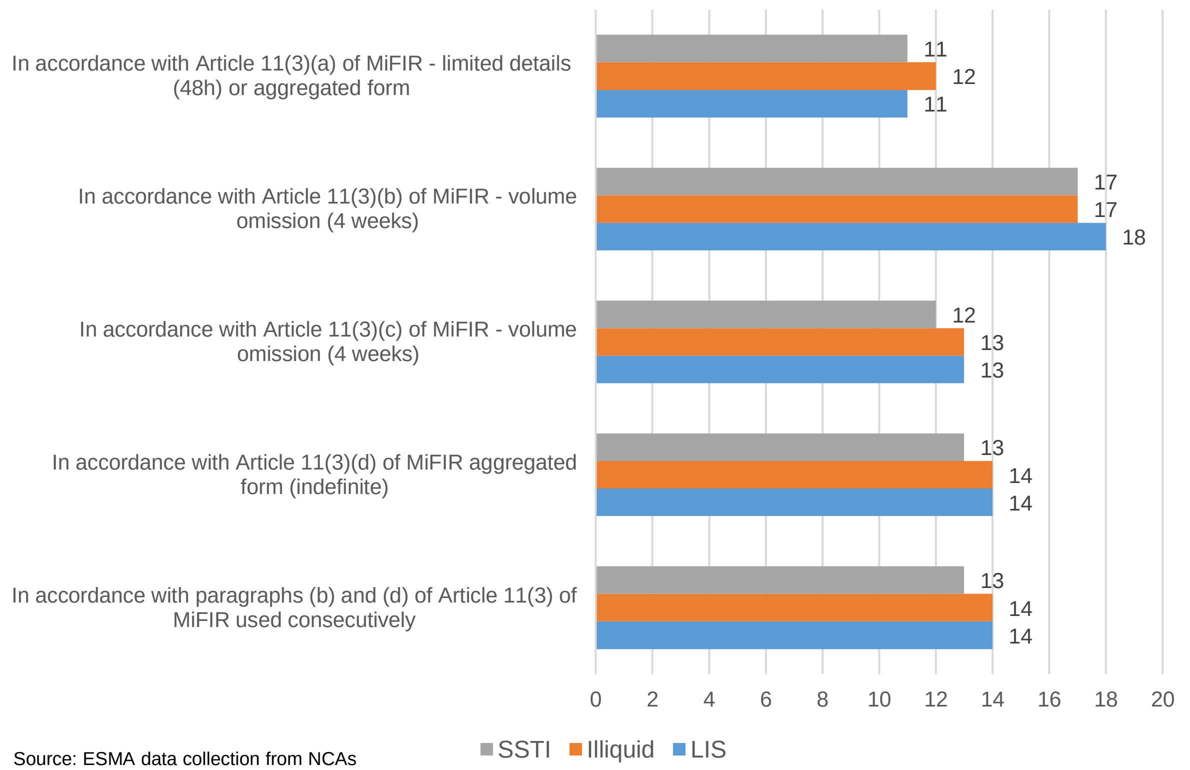
Source: ESMA data collection from NCAs

165. In line with what was observed in the context of last year report, under Article 11(3) of MiFIR, the modality that was granted by most NCAs was the omission of the volume of transactions for a maximum period of 4 weeks, in accordance with Article 11(3)(b) of MiFIR (18 NCAs for LIS, and 17 for Illiquid and SSTI transactions) (See Figure 40).

166. What stated last year is still relevant in this case. Indeed, the 14 NCAs (for Illiquid and LIS) and 13 (for SSTI) allowing for the Article 11(3)(d) deferral for transactions (which only affects sovereign bonds) also allowed for its combination with the volume omission for 4 weeks after the transaction took place (See Figure 40).

167. Finally, also the statistics on those NCAs requiring the publication of limited details only or the publication of information in aggregated form in accordance with Article 11(3)(a) is aligned with last year's data. More in detail, the number of NCAs requiring this type of publication was 12 for the Illiquid deferral and 11 for the LIS and SSTI deferrals.

FIGURE 40: NCAS WHERE THE SUPPLEMENTARY DEFERRAL REGIME IS REQUIRED OR ALLOWED



Source: ESMA data collection from NCAs

168. The graph below presents in detail the number of NCAs where each of the supplementary deferral regimes was applied by investment firms and systematic internalisers. More specifically, Figure 41 presents the specificities of the supplementary deferral regime applied across asset classes by NCAs for LIS transactions.

169. In general, it seems that there was consistency in the type of the supplementary deferral regime applied across type of deferral and asset classes, as shown in Figure 50 and Figure 52 in Annex III, for transactions in illiquid instruments and transactions above the SSTI thresholds respectively.

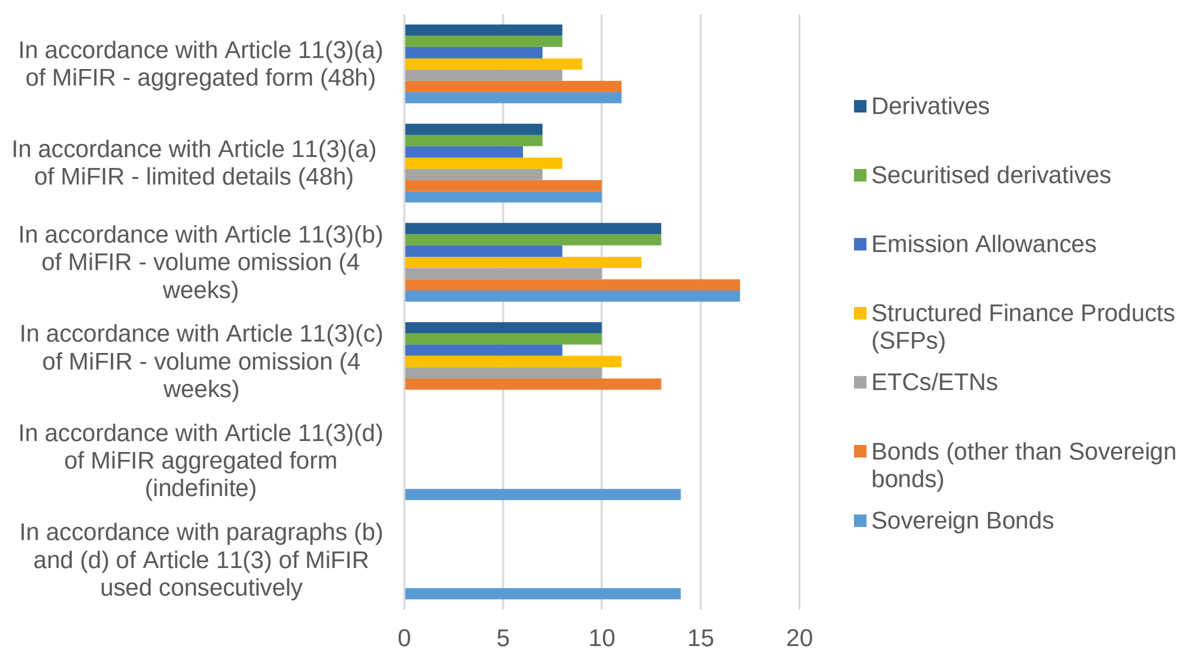
170. It should be noted that where NCAs allowed for supplementary deferrals, those deferrals were applied in most cases by investment firms and systematic internalisers. The example provided in the context of last year report is still valid. Indeed, when looking at the omission of the volume of transactions for a maximum period of 4 weeks, in accordance with Article 11(3)(b) of MiFIR, it can be seen that it was applied in most of the countries where the NCAs allowed it (it was allowed by 17 NCAs for SSTI transactions and transactions in illiquid instruments and by 18 NCAs for LIS transactions and, was applied at most in 17 jurisdictions for LIS and illiquid transactions and at most in16 jurisdictions for SSTI transactions (See Figure 41, Figure 50 and Figure 52 in Annex III).

171. Similarly, as for the case of deferrals according to Article 11(3)(d) or Article 11(3)(c),

the number of jurisdictions in which deferrals were applied by investment firms and systematic internalisers was in the range of 7-14 jurisdictions, depending on the type of transactions and instrument (See Figure 41, Figure 50 and Figure 52), while between 12 and 14 were the NCAs allowing for those deferral regimes.

172. Consequently, there are some NCAs that allowed for the use of certain deferral regimes but where investment firms and systematic internalisers did not use them. As noted last year, this is still the case for some of the instruments under the jurisdictions of Austria, Belgium, Hungary, Luxembourg, Malta, Portugal and Romania.

FIGURE 41: NUMBER OF NCAS APPLYING THE SUPPLEMENTARY DEFERRAL REGIME, FOR LIS TRANSACTIONS, PER ASSET CLASS



Source: ESMA data

7 Conclusions

173. This fourth report on the application of waivers and deferrals continues providing an overview of how the regimes are implemented at EEA level. It is important to note that this is the first report providing a picture of the European trading landscape following Brexit and taking into account the relocation process of some trading venues from the UK to the EU.

174. With respect to the waiver requests processed by ESMA, as observed in sections 3.2 and 5.2 for equity and non-equity instruments respectively, the number of waivers received and assessed in 2021 was significantly lower. This is clearly due to the fact that most of the waivers requested have been already processed by ESMA over the past few years, sign that the MiFIR waiver regime is well established across trading venues. However, for the purpose of this report, the use of a much smaller number

of waiver notifications received and processed made less meaningful some of the analysis carried out in previous years as well as the comparison with the 2019 and 2020 figures.

175. In the equity area, as expected, in 2021 the "Brexit relocation effect" was fully captured. The latter had a significant impact on the presented results – in some cases this effect completely reversed the distribution noticed in 2020 (with UK data excluded) which was a year of transition. Furthermore, when comparing 2021 with 2020 data, a major surge of the total volume and of the total number of transactions was also registered. This year's results confirm, except for the ETFs, that a significant share of "dark" trading was executed on the UK venues as evidenced by the decreasing trend of this type of trading across the respective asset classes. As regards the use of deferral regime, it has been noted that most trading venues/segment MICs in the EEA do not make use of deferrals. Trading subject to deferrals is almost entirely concentrated in France and the Netherlands, which is by and large consistent with the large turnover traded in these jurisdictions. Simultaneously, the limited transparency for the ETF market should stay on the radar of policymakers. In this context, ESMA has already proposed to increase the pre- and post-trade transparency LIS threshold for ETFs.

176. Concerning non-equity instruments, the statistics presented have significantly been affected by the data quality issues encountered by ESMA and which are described in many instances in the report (notably in Section 2.2). Due to the need to exclude from the data collection data submitted by one relevant trading venue, it was difficult to compare the indicators with those of previous years.

177. In consequence, limited policy conclusions can be drawn in the non-equity area. Contrary to the analysis for equity instruments where the FITRS dataset provides certainty in respect of the quality of the data used, ad-hoc data collections are prone to data quality issues given the little room for accurate data checks.

178. ESMA carried out a similar quantitative exercise for the past three years and identified each time a number of data issues that rendered the use of data collections unsuccessful. This includes the inaccurate breakdown of the turnover executed under the different types of waivers (or deferrals) provided by trading venues, an inconsistent interpretation of which trades to include in the trading volume, different understanding of the instrument classification and different approaches on the calculation of the notional amount traded. This has also been amplified by the fact that a different number of trading venues participate to the data collection every year.

179. While ESMA sees merit in providing an overview of the trading volumes executed under waivers and deferrals for non-equity instruments, the use of an ad-hoc data collection has not proven effective.

180. In light of the above, ESMA recommends that MiFIR should be amended in order to require trading venues to provide data on the use of waivers and deferral for non-equity instruments via FITRS. Should this not be possible, ESMA would not see merit

in carrying out a similar exercise for the purpose of the next report and would focus its analysis on qualitative areas where more accurate information can be provided.

181. Separately, the analysis included in this report have led ESMA to suggest further amendments to the current MiFIR regime for non-equity instruments, to be considered by co-legislators in the ongoing review, or to reiterate some of the messages put forward in previous reports. In particular, ESMA considers that the current deferral regime has proven too complex and that it would greatly benefit from a set of targeted amendments to streamline the regime as suggested in ESMA's MiFID II/MiFIR Review Report for non-equity instruments.

182. Finally, ESMA maintains its proposal to delete the SSTI waiver. In this context, despite the data quality issues identified, the 2021 non-equity data seem to suggest that the SSTI waiver was rarely used in practice (only 2% of trading volume under a waiver were executed under the SSTI). Furthermore, while last year report presented a distorted picture on the use of the SSTI waiver in 2020[32], when looking at the data for the same year by excluding the trading venue that was excluded in the 2021, it appears that only 14% of the trading volume was executed under the SSTI waiver.

[32] It appeared that about 49% of the total volume traded under a waiver was executed in the SSTI waiver.

8 Annex I - Tables Equity Waivers

TABLE 12 – STATISTICS ON WAIVERS RECEIVED AND PROCESSED

COUNTRY CODE	COUNTRY	LIS		COMBO (RP+LIS)		COMBO (NT1+LIS)	
		Final number of waivers for which it has been issued a COMPLIANT opinion (case 1)	Final number of waivers for which it has been issued a NON-COMPLIANT opinion (case 2)	Final number of waivers for which it has been issued a COMPLIANT opinion (case 1)	Final number of waivers for which it has been issued a NON-COMPLIANT opinion (case 2)	Final number of waivers for which it has been issued a COMPLIANT opinion (case 1)	Final number of waivers for which it has been issued a NON-COMPLIANT opinion (case 2)
AT	AUSTRIA	-	-	-	-	-	-
BE	BELGIUM	-	-	-	-	-	-
BG	BULGARIA	-	-	-	-	-	-
CY	CYPRUS	-	-	-	-	-	-
CZ	CZECH REPUBLIC	-	-	-	-	-	-
DE	GERMANY	-	-	-	-	1	-
DK	DENMARK	-	-	-	-	-	-
EE	ESTONIA	-	-	-	-	-	-
ES	SPAIN	-	-	-	-	-	-
FI	FINLAND	-	-	-	-	-	-
FR	FRANCE	-	-	1	-	-	-
GR	GREECE	-	-	-	-	-	-
HR	CROATIA	-	-	-	-	-	-
HU	HUNGARY	-	-	-	-	-	-
IE	IRELAND	-	-	-	-	-	-
IS	ICELAND	-	-	-	-	-	-
IT	ITALY	-	-	-	-	-	-
LI	LIECHTENSTEIN	-	-	-	-	-	-
LT	LITHUANIA	-	-	-	-	-	-
LU	LUXEMBOURG	-	-	-	-	-	-
LV	LATVIA	-	-	-	-	-	-
MT	MALTA	-	-	-	-	-	-
NL	THE NETHERLANDS	2	-	-	-	-	-
NO	NORWAY	-	-	-	-	-	-
PL	POLAND	-	-	-	-	-	-
PT	PORTUGAL	-	-	-	-	-	-
RO	ROMANIA	-	-	-	-	-	-
SE	SWEDEN	-	-	-	-	-	-
SI	SLOVENIA	-	-	-	-	-	-
SK	SLOVAK REPUBLIC	-	-	-	-	-	-
TOTAL		2	-	1	-	1	-
		2		1		1	
% WAIVER TYPE ON TOTAL WAIVERS PROCESSED		50%		25%		25%	

ESMA REGULAR USE

TABLE 13 – STATISTICS ON TRADING SYSTEMS USING THE WAIVERS

COUNTRY CODE	COUNTRY	Trading system															
		Continuous order book		Quote driven		Periodic auction		RFQ		Any other trading system		Negotiated trades		Prearranged		Does not say	
a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r
AT	AUSTRIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BE	BELGIUM	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BG	BULGARIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CY	CYPRUS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CZ	CZECH REPUBLIC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DE	GERMANY	-	-	-	-	-	-	-	-	1	100.00%	-	-	-	-	-	-
DK	DENMARK	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EE	ESTONIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ES	SPAIN	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FI	FINLAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FR	FRANCE	1	100.00%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
GR	GREECE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HR	CROATIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HU	HUNGARY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IE	IRELAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IS	ICELAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IT	ITALY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LI	LIECHTENSTEIN	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LT	LITHUANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LU	LUXEMBOURG	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LV	LATVIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MT	MALTA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NL	THE NETHERLANDS	-	-	-	-	-	-	2	100.00%	-	-	-	-	-	-	-	-
NO	NORWAY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PL	POLAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PT	PORTUGAL	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
RO	ROMANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SE	SWEDEN	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SI	SLOVENIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SK	SLOVAK REPUBLIC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL		1	100%	-	-	-	-	2	100%	1	100%	-	-	-	-	-	-
% TOTAL		25%		-		-		50%		25%		-		-		-	

9 Annex II - Tables Non-equity Waivers

TABLE 13 – STATISTICS ON WAIVERS RECEIVED AND PROCESSED

COUNTRY CODE	COUNTRY	Initial number of waivers received in 2021		Waivers received in 2021 withdrawn		Final number of waivers for which an opinion has been issued		Final number of waivers for which it has been issued a COMPLIANT opinion (case 1)		Final number of waivers for which it has been issued a NON-COMPLIANT opinion (case 2) or PARTIALLY COMPLIANT (case 3)		Final number of waivers for which it has been issued a NON-COMPLIANT opinion or PARTIALLY COMPLIANT which are no longer in use		Final number of waivers for which it has been issued a COMPLIANT opinion which are no longer in use	
a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p
AT	AUSTRIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BE	BELGIUM	1	3.85%	-	-	1	2.50%	1	2.50%	-	-	-	-	-	-
BG	BULGARIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CY	CYPRUS	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CZ	CZECH REPUBLIC	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DE	GERMANY	-	-	-	-	2	5.00%	2	5.00%	-	-	-	-	-	-
DK	DENMARK	3	11.54%	-	-	3	7.50%	3	7.50%	-	-	-	-	-	-
EE	ESTONIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ES	SPAIN	4	15.38%	-	-	4	10.00%	4	10.00%	-	-	-	-	-	-
FI	FINLAND	-	-	-	-	5	12.50%	5	12.50%	-	-	-	-	-	-
FR	FRANCE	1	3.85%	-	-	1	2.50%	1	2.50%	-	-	-	-	-	-
GR	GREECE	-	-	-	-	2	5.00%	2	5.00%	-	-	-	-	-	-
HR	CROATIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HU	HUNGARY	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IE	IRELAND	2	7.69%	-	-	2	5.00%	2	5.00%	-	-	-	-	-	-
IS	ICELAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IT	ITALY	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LI	LIECHTENSTEIN	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LT	LITHUANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LU	LUXEMBOURG	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LV	LATVIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MT	MALTA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NL	THE NETHERLANDS	10	38.46%	1	50.00%	11	27.50%	11	27.50%	-	-	-	-	2	100.00%
NO	NORWAY	1	3.85%	-	-	1	2.50%	1	2.50%	-	-	-	-	-	-
PL	POLAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PT	PORTUGAL	2	7.69%	-	-	2	5.00%	2	5.00%	-	-	-	-	-	-
RO	ROMANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SE	SWEDEN	1	3.85%	1	50.00%	5	12.50%	5	12.50%	-	-	-	-	-	-
SI	SLOVENIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SK	SLOVAK REPUBLIC	1	3.85%	-	-	1	2.50%	1	2.50%	-	-	-	-	-	-
TOTAL		**26**	**100%**	**2**	**100%**	**40**	**100%**	**40**	**100%**	**-**	**-**	**-**	**-**	**2**	**100%**
% WAIVER TYPE ON TOTAL WAIVERS PROCESSED								**100%**		**0%**		**0%**			

TABLE 14 – STATISTICS PER WAIVER TYPE

COUNTRY CODE	COUNTRY	OMF		Illiquid		LIS		SSTI		Illiquid Package		LIS Package		LIS component package order + Illiquid component package order + SSTI component package order	
a	b	c	d	e	f	g	h	i	j	k	l	m	n	u	v
AT	AUSTRIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BE	BELGIUM	1	10.00%	-	-	-	-	-	-	-	-	-	-	-	-
BG	BULGARIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CY	CYPRUS	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CZ	CZECH REPUBLIC	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DE	GERMANY	-	-	1	10.00%	-	-	-	-	1	33.33%	-	-	-	-
DK	DENMARK	1	10.00%	-	-	2	16.67%	-	-	-	-	-	-	-	-
EE	ESTONIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ES	SPAIN	-	-	1	10.00%	1	8.33%	1	33.33%	-	-	-	-	1	100.00%
FI	FINLAND	1	10.00%	2	20.00%	2	16.67%	-	-	-	-	-	-	-	-
FR	FRANCE	1	10.00%	-	-	-	-	-	-	-	-	-	-	-	-
GR	GREECE	1	10.00%	1	10.00%	-	-	-	-	-	-	-	-	-	-
HR	CROATIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HU	HUNGARY	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IE	IRELAND	-	-	1	10.00%	1	8.33%	-	-	-	-	-	-	-	-
IS	ICELAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IT	ITALY	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LI	LIECHTENSTEIN	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LT	LITHUANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LU	LUXEMBOURG	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LV	LATVIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MT	MALTA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NL	THE NETHERLANDS	1	10.00%	1	10.00%	4	33.33%	2	66.67%	2	66.67%	1	100.00%	-	-
NO	NORWAY	1	10.00%	-	-	-	-	-	-	-	-	-	-	-	-
PL	POLAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PT	PORTUGAL	2	20.00%	-	-	-	-	-	-	-	-	-	-	-	-
RO	ROMANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SE	SWEDEN	1	10.00%	2	20.00%	2	16.67%	-	-	-	-	-	-	-	-
SI	SLOVENIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SK	SLOVAK REPUBLIC	-	-	1	10.00%	-	-	-	-	-	-	-	-	-	-
TOTAL		10	100%	10	100%	12	100%	3	100%	3	100%	1	100%	1	100%
% WAIVER TYPE ON TOTAL WAIVERS PROCESSED		25%		25%		30%		8%		8%		3%		3%	

ESMA REGULAR USE

TABLE 15 – STATISTICS PER ASSET CLASS

COUNTRY CODE	COUNTRY	SFPs		Bonds (except ETCs and ETNs)		ETCs and ETNs		Emission allowances		Emission allowance derivatives		IR derivatives		Equity derivatives		Credit derivatives		FX derivatives		Commodity derivatives	
a	b	c	d	e	f	g	h	i	j	o	p	q	r	s	t	u	v	u	v	u	v
AT	AUSTRIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BE	BELGIUM	-	-	-	-	-	-	-	-	-	-	-	-	1	7.69%	-	-	-	-	-	-
BG	BULGARIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CY	CYPRUS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CZ	CZECH REPUBLIC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DE	GERMANY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	33.33%	-	-
DK	DENMARK	-	-	-	-	3	21.43%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EE	ESTONIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ES	SPAIN	4	80.00%	4	50.00%	-	-	4	44.44%	4	100.00%	4	100.00%	4	30.77%	4	100.00%	4	66.67%	4	66.67%
FI	FINLAND	-	-	-	-	5	35.71%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FR	FRANCE	-	-	-	-	-	-	-	-	-	-	-	-	1	7.69%	-	-	-	-	-	-
GR	GREECE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	33.33%
HR	CROATIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HU	HUNGARY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IE	IRELAND	-	-	-	-	-	-	-	-	-	-	-	-	2	15.38%	-	-	-	-	-	-
IS	ICELAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IT	ITALY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LI	LIECHTENSTEIN	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LT	LITHUANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LU	LUXEMBOURG	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LV	LATVIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MT	MALTA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NL	THE NETHERLANDS	1	20.00%	3	37.50%	1	7.14%	5	55.56%	-	-	-	-	2	15.38%	-	-	-	-	-	-
NO	NORWAY	-	-	-	-	-	-	-	-	-	-	-	-	1	7.69%	-	-	-	-	-	-
PL	POLAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PT	PORTUGAL	-	-	-	-	-	-	-	-	-	-	-	-	2	15.38%	-	-	-	-	-	-
RO	ROMANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SE	SWEDEN	-	-	-	-	5	35.71%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SI	SLOVENIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SK	SLOVAK REPUBLIC	-	-	1	12.50%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL		**5**	**100%**	**8**	**100%**	**14**	**100%**	**9**	**100%**	**4**	**100%**	**4**	**100%**	**13**	**100%**	**4**	**100%**	**6**	**100%**	**6**	**100%**
% ASSET CLASS TYPE ON TOTAL WAIVERS PROCESSED		**7%**		**11%**		**19%**		**12%**		**5%**		**5%**		**18%**		**5%**		**8%**		**8%**	

ESMA REGULAR USE

TABLE 16 - STATISTICS ON TRADING SYSTEM USING THE WAIVERS

COUNTRY CODE	COUNTRY	Trading system															
		Continuous order book		Quote driven		Periodic auction		RFQ		Voice		Any other system (including hybrid)		Prearranged (also called negotiated trades)		Does not say	
a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r
AT	AUSTRIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BE	BELGIUM	-	-	-	-	-	-	-	-	-	-	1	6.25%	-	-	-	-
BG	BULGARIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CY	CYPRUS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
CZ	CZECH REPUBLIC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DE	GERMANY	-	-	-	-	-	-	2	33.33%	-	-	-	-	-	-	-	-
DK	DENMARK	3	17.65%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EE	ESTONIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ES	SPAIN	-	-	-	-	-	-	-	-	1	100.00%	3	18.75%	-	-	-	-
FI	FINLAND	5	29.41%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FR	FRANCE	-	-	-	-	-	-	-	-	-	-	1	6.25%	-	-	-	-
GR	GREECE	2	11.76%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HR	CROATIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HU	HUNGARY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IE	IRELAND	-	-	-	-	-	-	-	-	-	-	2	12.50%	-	-	-	-
IS	ICELAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
IT	ITALY	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LI	LIECHTENSTEIN	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LT	LITHUANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LU	LUXEMBOURG	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
LV	LATVIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MT	MALTA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NL	THE NETHERLANDS	2	11.76%	-	-	-	-	4	66.67%	-	-	5	31.25%	-	-	-	-
NO	NORWAY	-	-	-	-	-	-	-	-	-	-	1	6.25%	-	-	-	-
PL	POLAND	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
PT	PORTUGAL	-	-	-	-	-	-	-	-	-	-	2	12.50%	-	-	-	-
RO	ROMANIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SE	SWEDEN	5	29.41%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SI	SLOVENIA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SK	SLOVAK REPUBLIC	-	-	-	-	-	-	-	-	-	-	1	6.25%	-	-	-	-
TOTAL		17	100%	-	-	-	-	6	100%	1	100%	16	100%	-	-	-	-
% ON TOTAL WAIVERS PROCESSED		43%			-		-	15%		3%		40%			-		-

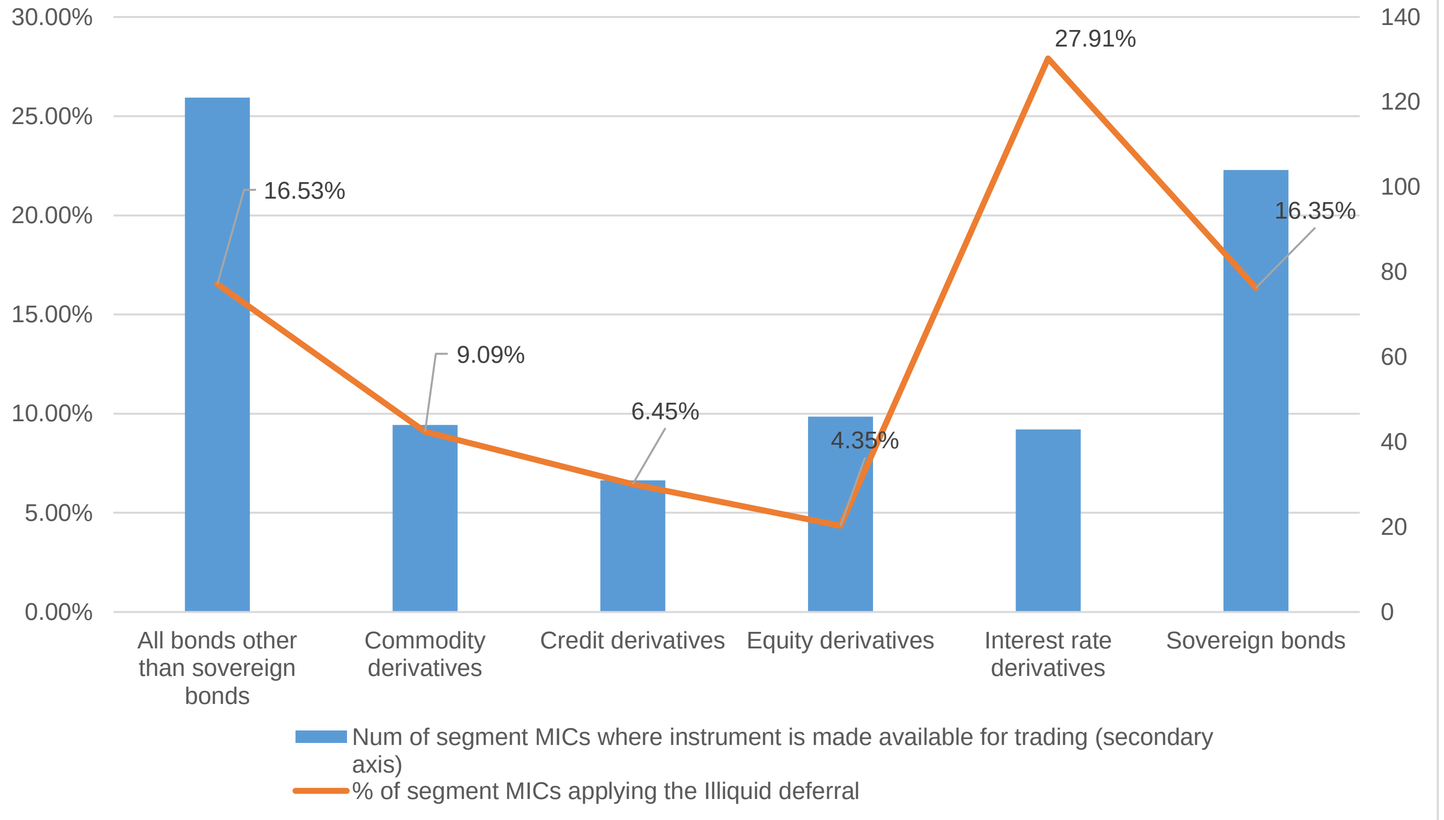
ESMA REGULAR USE

TABLE 17 – STATISTICS ON TRADING SYSTEM USING THE WAIVES FOR ANY OTHER SYSTEMS (INCLUDING HYBRID)

COUNTRY CODE	COUNTRY	Description of other system (including hybrid systems)											
		Central limit order book (CLOB) + Quote-driven		Voice + screen		Voice + Electronic order book		Negotiated trades		Periodic auction + voice + Electronic order book		Continuous Trading + Periodic Auction	
a	b	s	t	u	v	w	x	y	z	aa	ab	ac	ad
AT	AUSTRIA	-	-	-	-	-	-	-	-	-	-	-	-
BE	BELGIUM	1	16.67%	-	-	-	-	-	-	-	-	-	-
BG	BULGARIA	-	-	-	-	-	-	-	-	-	-	-	-
CY	CYPRUS	-	-	-	-	-	-	-	-	-	-	-	-
CZ	CZECH REPUBLIC	-	-	-	-	-	-	-	-	-	-	-	-
DE	GERMANY	-	-	-	-	-	-	-	-	-	-	-	-
DK	DENMARK	-	-	-	-	-	-	-	-	-	-	-	-
EE	ESTONIA	-	-	-	-	-	-	-	-	-	-	-	-
ES	SPAIN	-	-	-	-	1	100.00%	-	-	2	100.00%	-	-
FI	FINLAND	-	-	-	-	-	-	-	-	-	-	-	-
FR	FRANCE	1	16.67%	-	-	-	-	-	-	-	-	-	-
GR	GREECE	-	-	-	-	-	-	-	-	-	-	-	-
HR	CROATIA	-	-	-	-	-	-	-	-	-	-	-	-
HU	HUNGARY	-	-	-	-	-	-	-	-	-	-	-	-
IE	IRELAND	-	-	2	100.00%	-	-	-	-	-	-	-	-
IS	ICELAND	-	-	-	-	-	-	-	-	-	-	-	-
IT	ITALY	-	-	-	-	-	-	-	-	-	-	-	-
LI	LIECHTENSTEIN	-	-	-	-	-	-	-	-	-	-	-	-
LT	LITHUANIA	-	-	-	-	-	-	-	-	-	-	-	-
LU	LUXEMBOURG	-	-	-	-	-	-	-	-	-	-	-	-
LV	LATVIA	-	-	-	-	-	-	-	-	-	-	-	-
MT	MALTA	-	-	-	-	-	-	-	-	-	-	-	-
NL	THE NETHERLANDS	1	16.67%	-	-	-	-	4	100.00%	-	-	-	-
NO	NORWAY	1	16.67%	-	-	-	-	-	-	-	-	-	-
PL	POLAND	-	-	-	-	-	-	-	-	-	-	-	-
PT	PORTUGAL	2	33.33%	-	-	-	-	-	-	-	-	-	-
RO	ROMANIA	-	-	-	-	-	-	-	-	-	-	-	-
SE	SWEDEN	-	-	-	-	-	-	-	-	-	-	-	-
SI	SLOVENIA	-	-	-	-	-	-	-	-	-	-	-	-
SK	SLOVAK REPUBLIC	-	-	-	-	-	-	-	-	-	-	1	100.00%
TOTAL		**6**	**100%**	**2**	**100%**	**1**	**100%**	**4**	**100%**	**2**	**100%**	**1**	**100%**
% ON TOTAL WAIVERS PROCESSED		**38%**		**13%**		**6%**		**25%**		**13%**		**6%**	

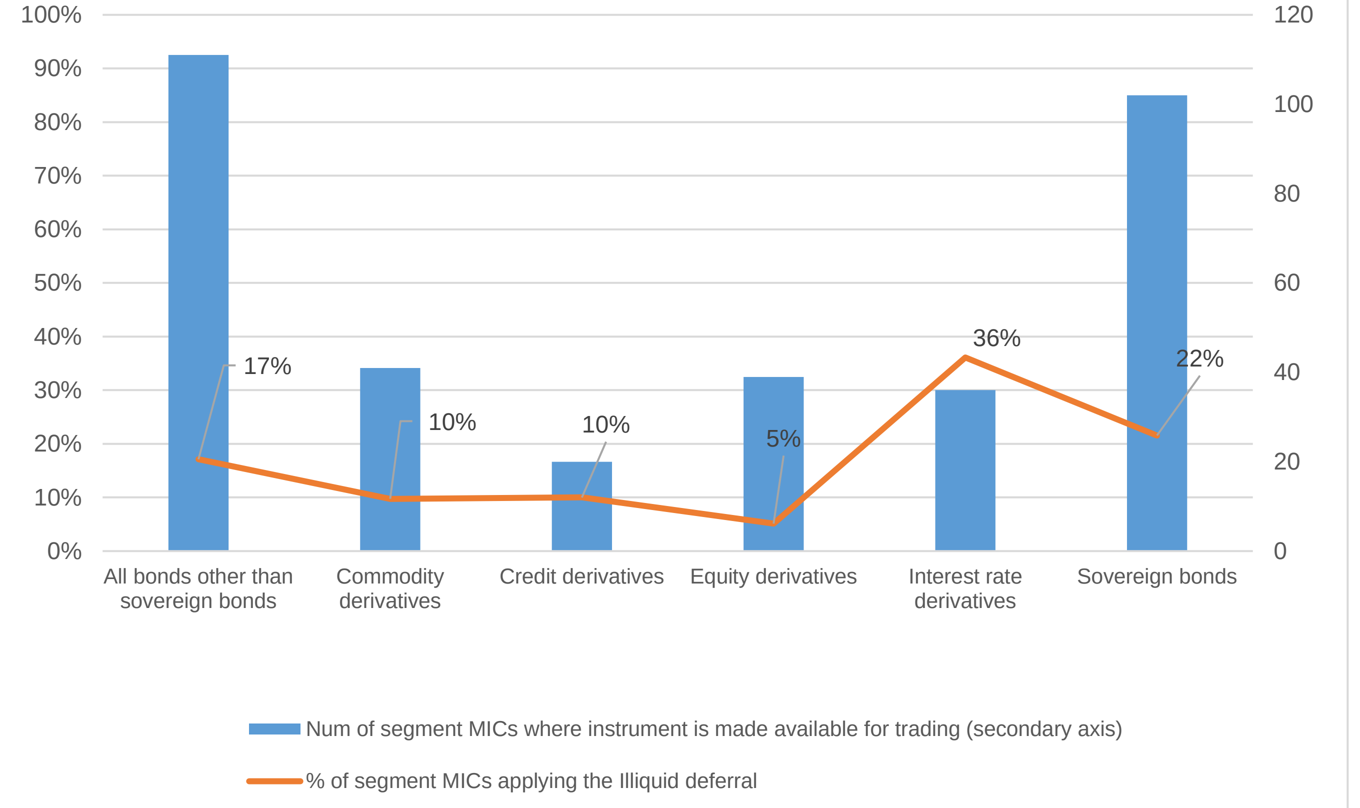
10 Annex III – Additional figures on the use of non-equity deferrals

FIGURE 42: PERCENTAGE OF SEGMENT MICS THAT APPLY DEFERRALS FOR ILLIQUID TRANSACTIONS IN Y2021



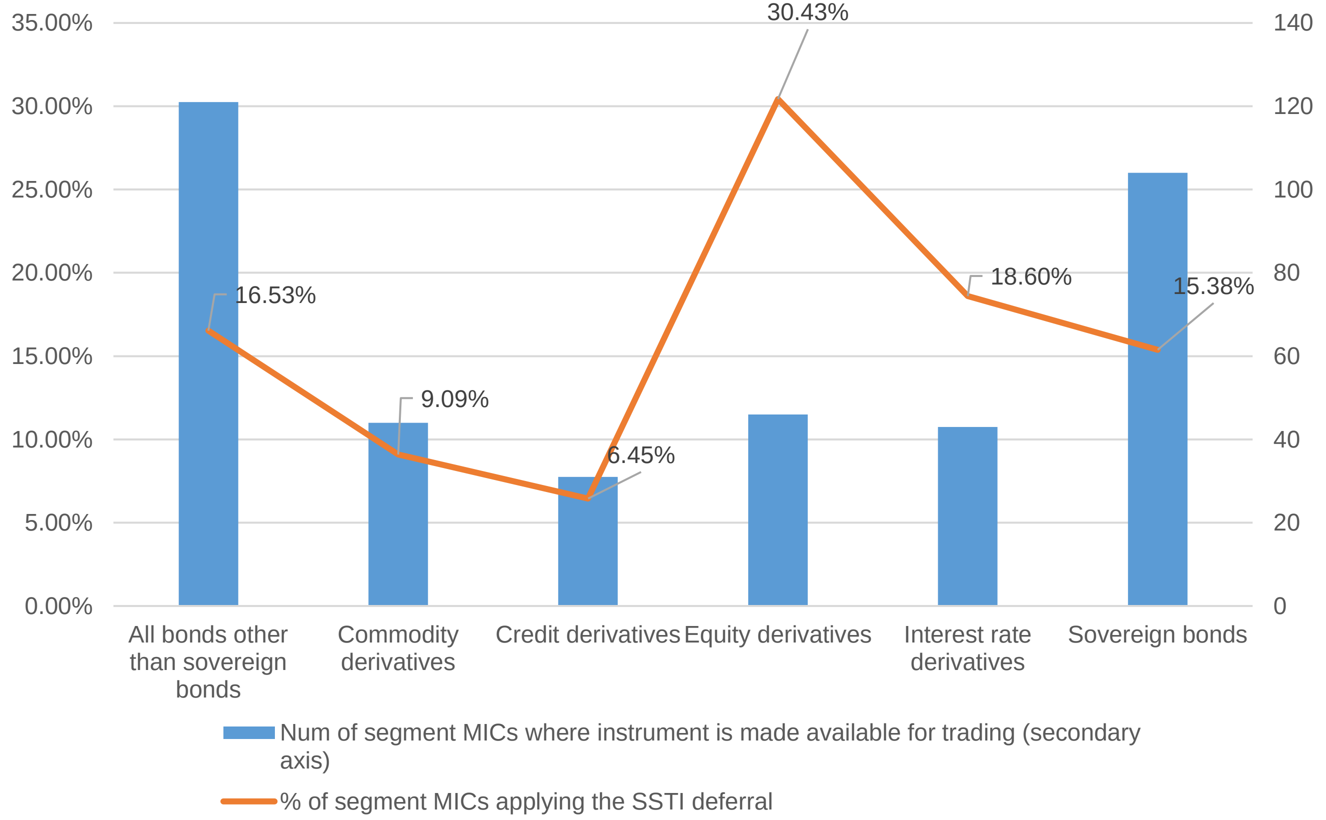
Source: ESMA data collection from trading venues

FIGURE 43: PERCENTAGE OF SEGMENT MICS THAT APPLY DEFERRALS FOR ILLIQUID TRANSACTIONS IN Y2020



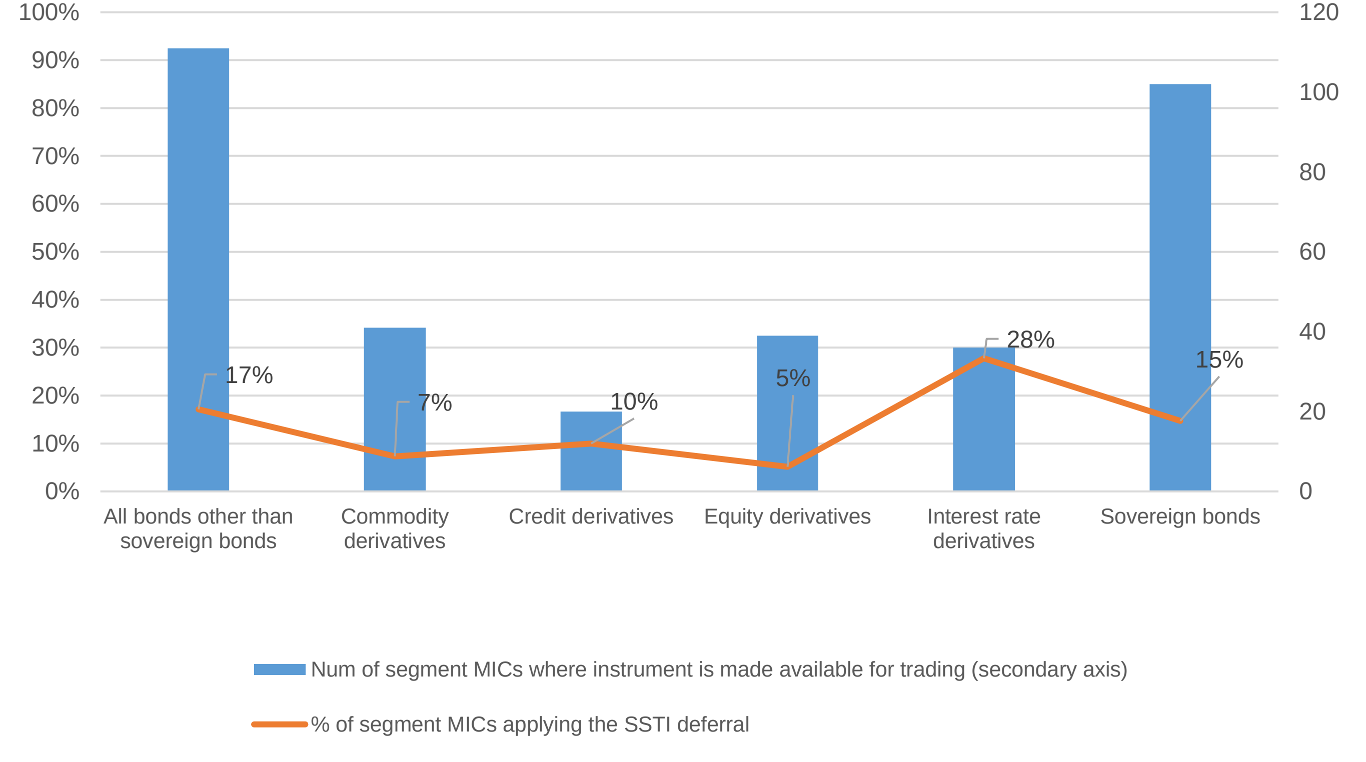
Source: ESMA data collection from trading venues

FIGURE 44: PERCENTAGE OF SEGMENT MICS THAT APPLY DEFERRALS FOR SSTI TRANSACTIONS IN Y2021



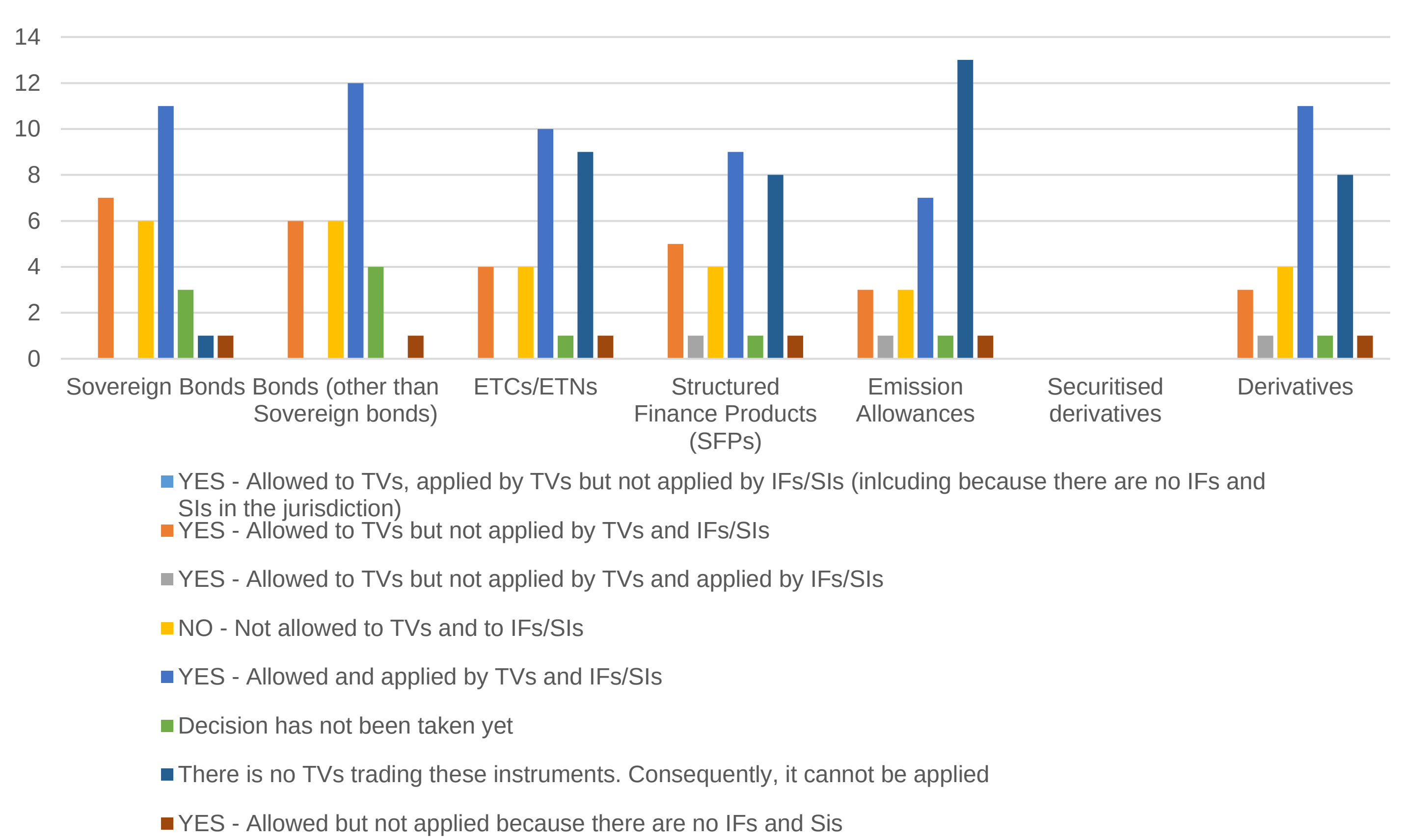
Source: ESMA data collection from trading venues

Figure 45: Percentage of segment MICs that apply deferrals for SSTI transactions in Y2020



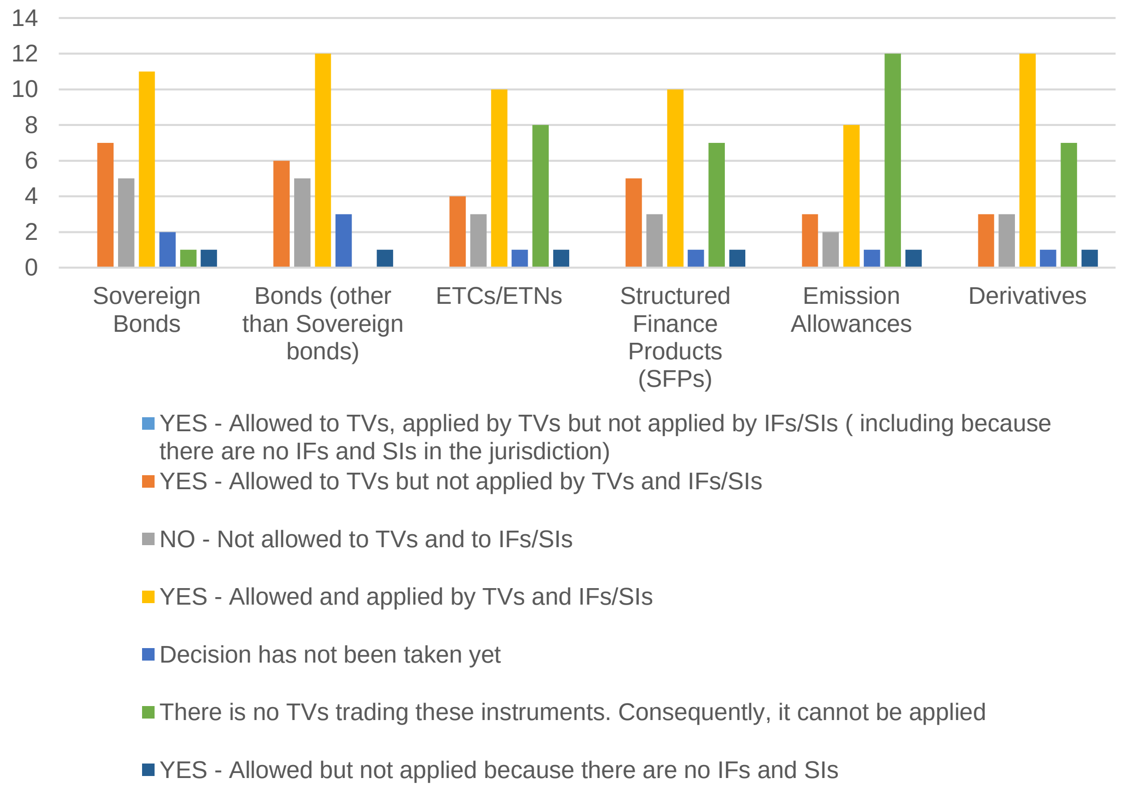
Source: ESMA data collection from trading venues

FIGURE 46: NUMBER OF NCAS APPLYING THE NON-EQUITY DEFERRAL REGIMES FOR TRANSACTIONS IN ILLIQUID INSTRUMENTS, 2021



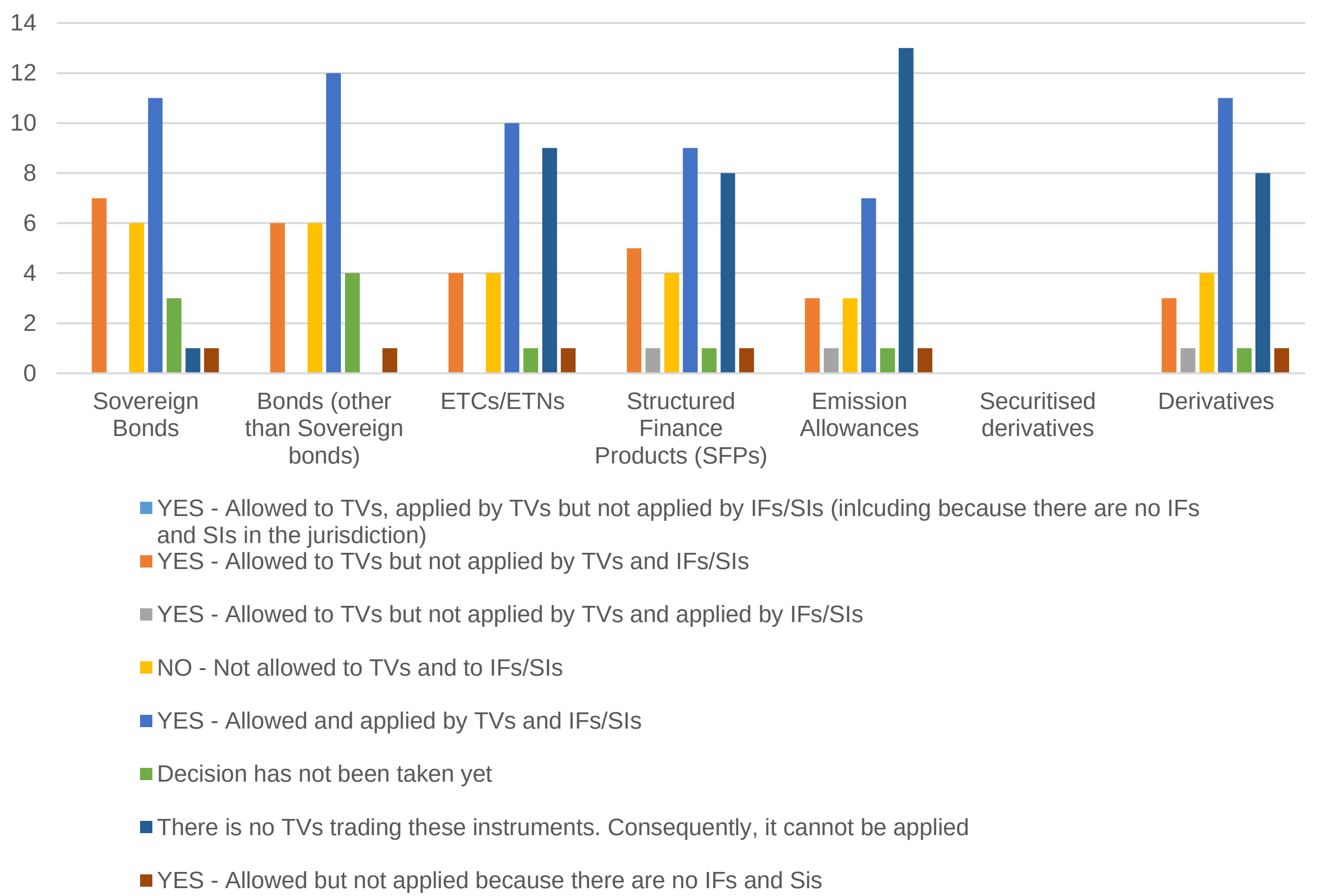
Source: ESMA data collection from NCAs

FIGURE 47: NUMBER OF NCAS APPLYING THE NON-EQUITY DEFERRAL REGIMES FOR TRANSACTIONS IN ILLIQUID INSTRUMENTS, 2020



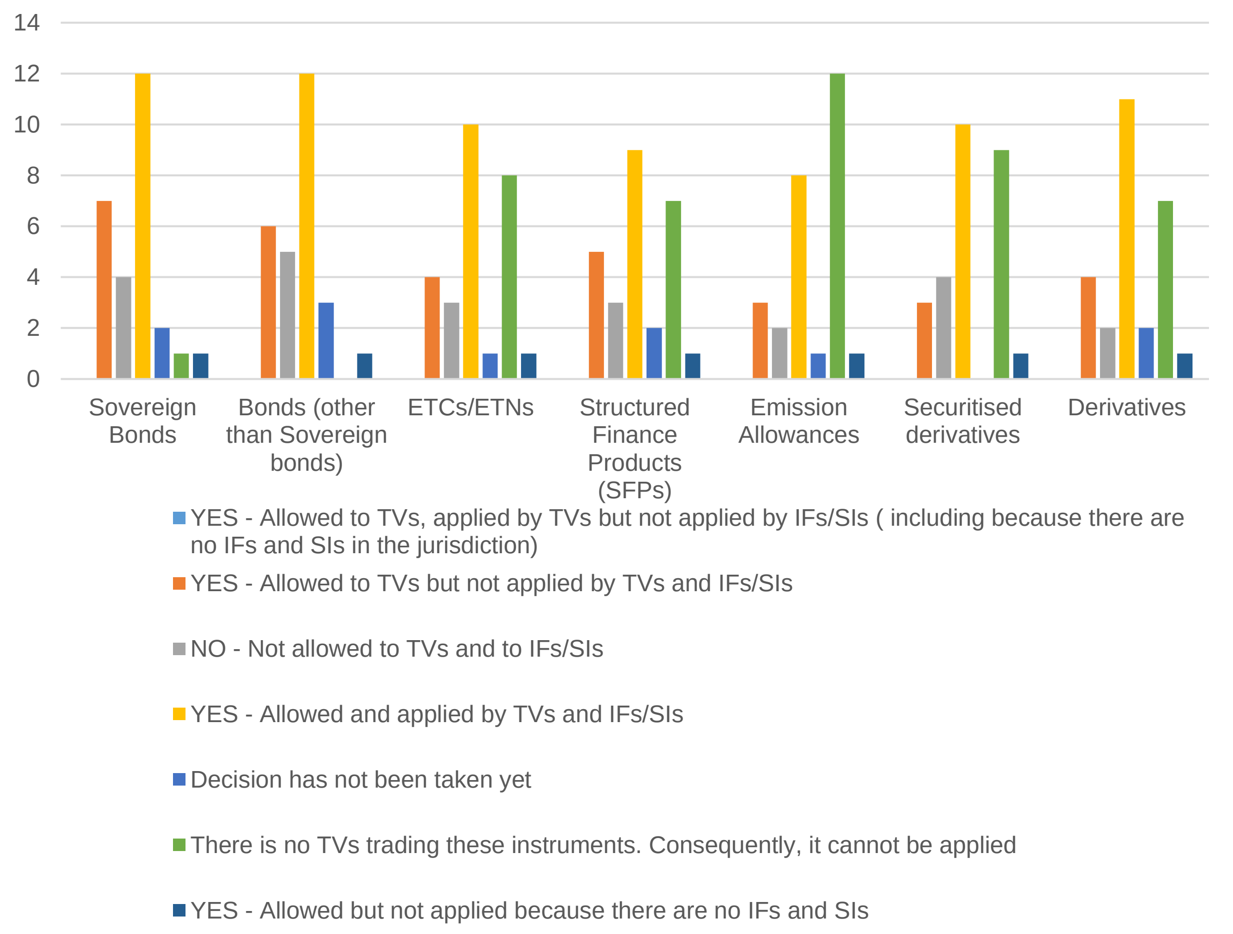
Source: ESMA data collection from NCAs

FIGURE 48: NUMBER OF NCAS APPLYING THE NON-EQUITY DEFERRAL REGIMES FOR SSTI TRANSACTIONS, 2021



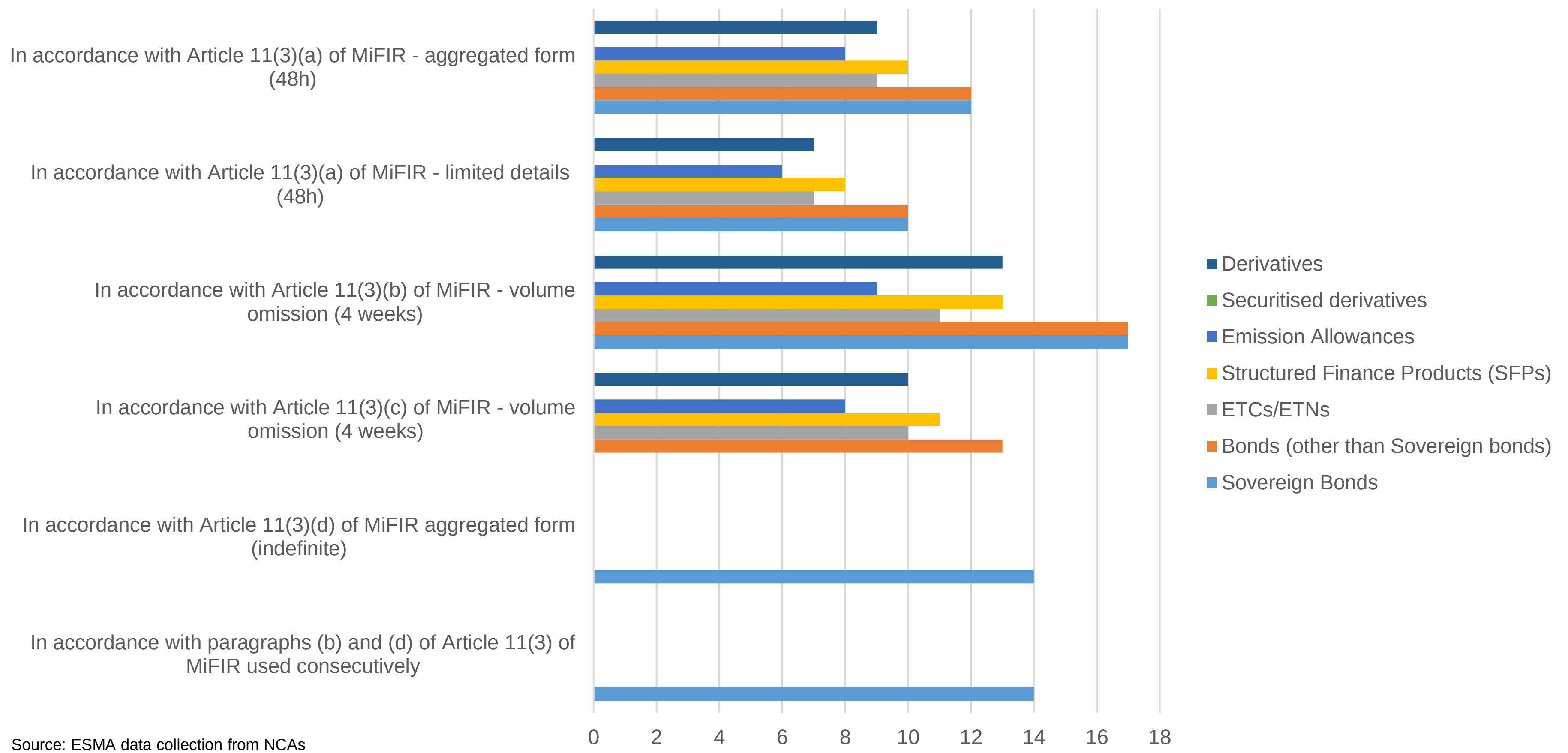
Source: ESMA data collection from NCAs

FIGURE 49: NUMBER OF NCAS APPLYING THE NON-EQUITY DEFERRAL REGIMES FOR SSTI TRANSACTIONS, 2020



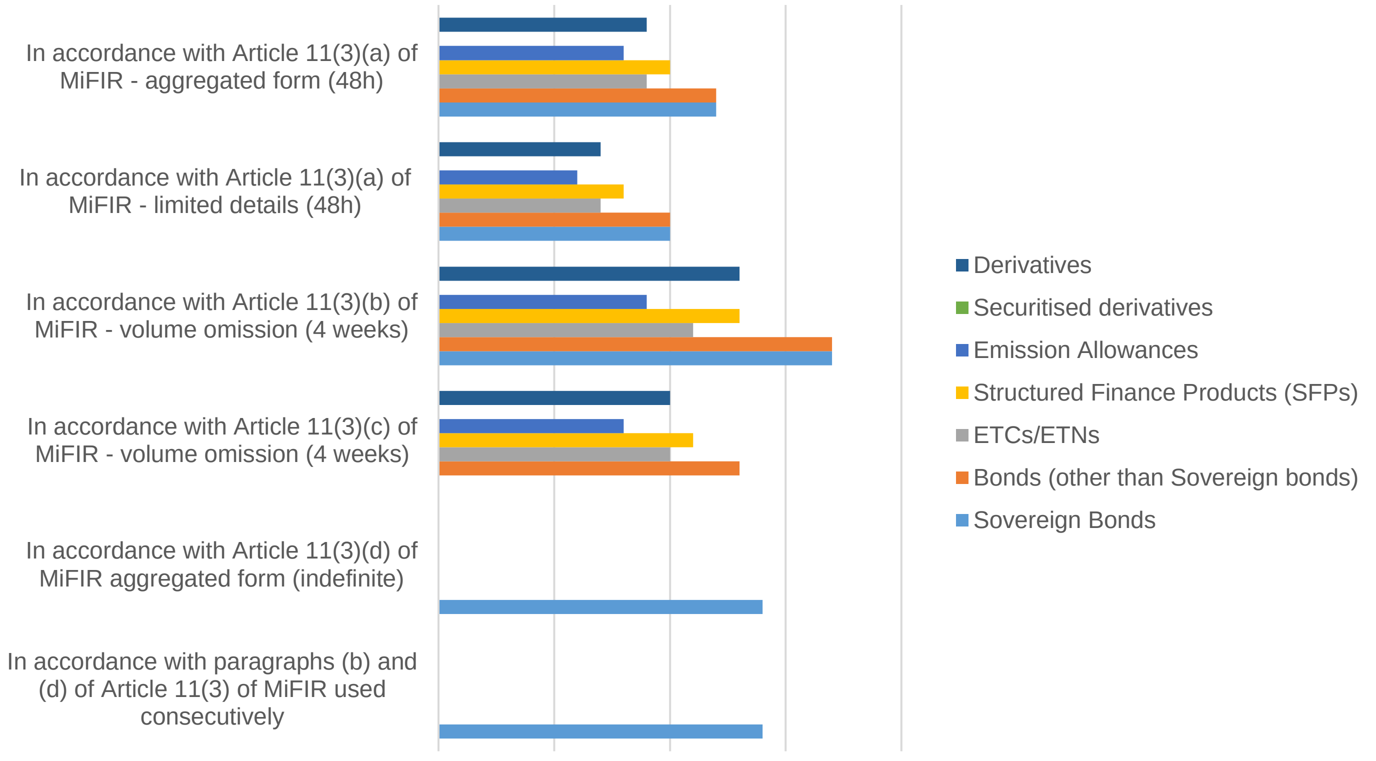
Source: ESMA data collection from NCAs

FIGURE 50: NUMBER OF NCAS APPLYING THE SUPPLEMENTARY DEFERRAL REGIME FOR TRANSACTIONS IN ILLIQUID FINANCIAL INSTRUMENTS, PER ASSET CLASS, 2021



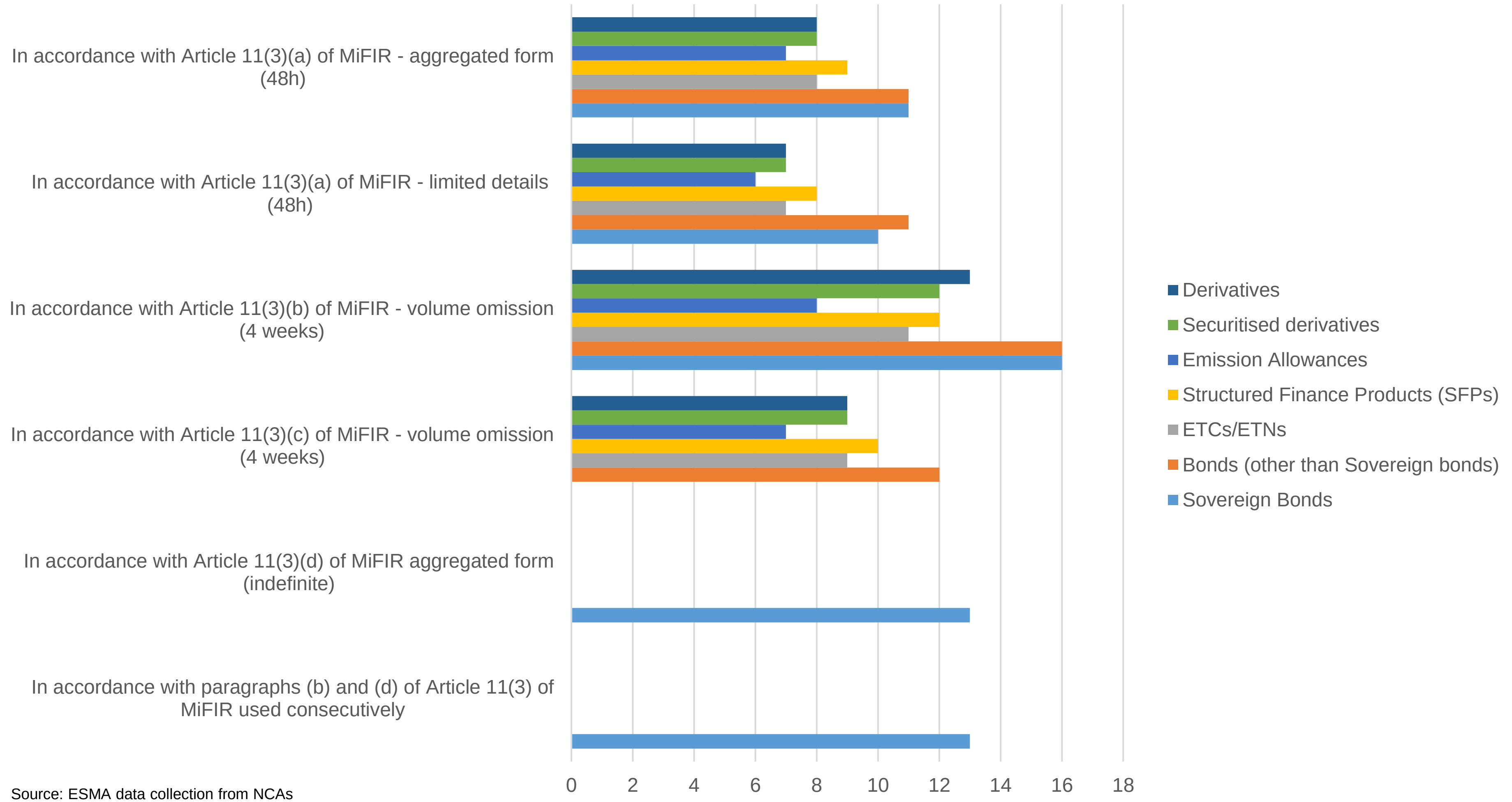
Source: ESMA data collection from NCAs

Figure 51: Number of NCAs applying the supplementary deferral regime for transactions in illiquid financial instruments, per asset class, 2020



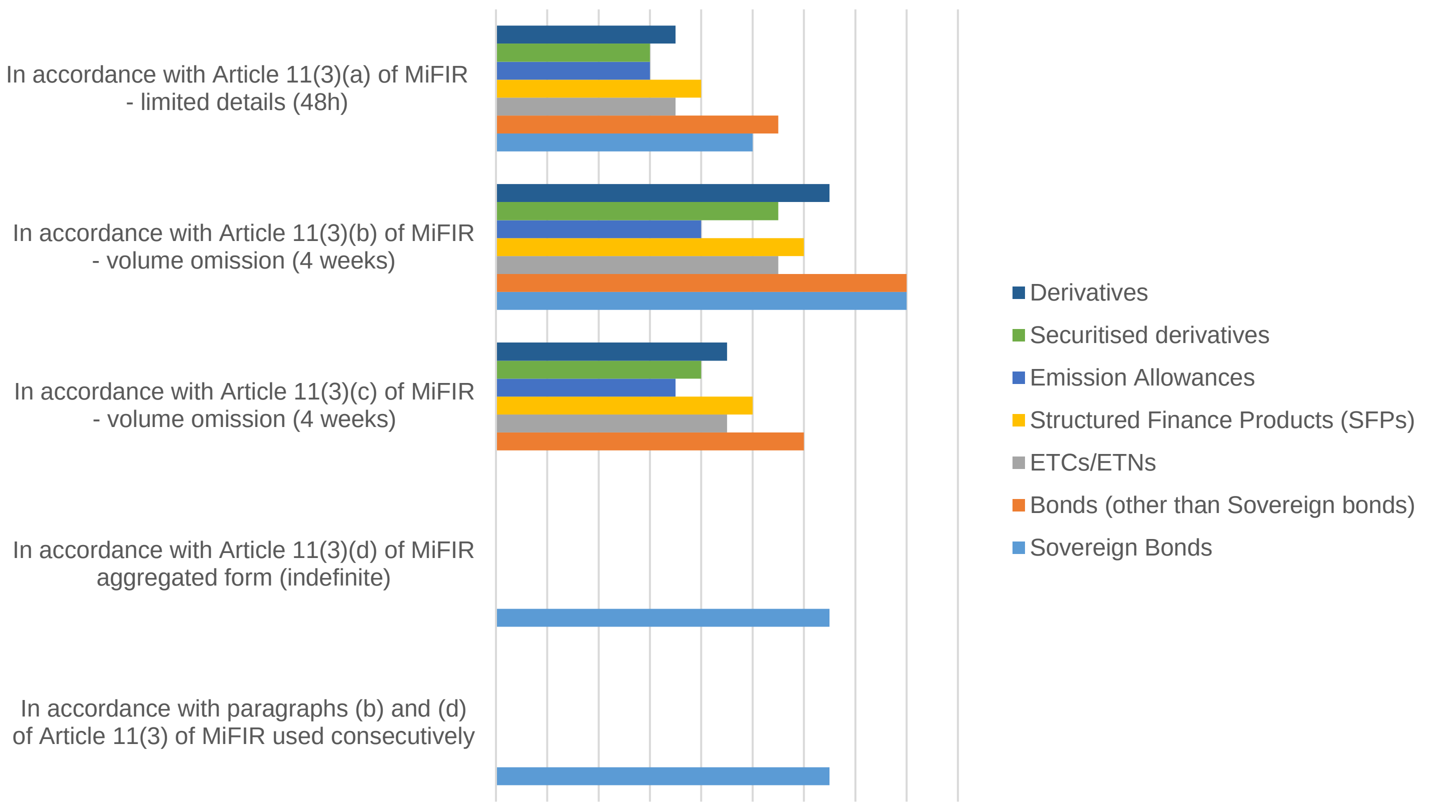
Source: ESMA data collection from NCAs

FIGURE 52: NUMBER OF NCAS APPLYING THE SUPPLEMENTARY DEFERRAL REGIME FOR TRANSACTIONS ABOVE SSTI, PER ASSET CLASS, 2021



Source: ESMA data collection from NCAs

FIGURE 53: NUMBER OF NCAS APPLYING THE SUPPLEMENTARY DEFERRAL REGIME FOR TRANSACTIONS ABOVE SSTI, PER ASSET CLASS, 2020



Source: ESMA data collection from NCAs