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Commission Delegated Regulation (EU) 2016/909 of 1 March 2016 supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the content of notifications to be submitted to competent authorities and the compilation, publication and maintenance of the list of notifications (Text with EEA relevance)

COMMISSION DELEGATED REGULATION (EU) 2016/909

of 1 March 2016

supplementing Regulation (EU) No 596/2014 of the European Parliament and of the Council with regard to regulatory technical standards for the content of notifications to be submitted to competent authorities and the compilation, publication and maintenance of the list of notifications

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC[(1)], and in particular the third subparagraph of Article 4(4) thereof,

Whereas:

(1) Commission Delegated Regulation to be adopted in accordance with the third subparagraph of Article 27(3) of Regulation (EU) No 600/2014 of the European Parliament and of the Council[(2)] requires ongoing submissions of identifying reference data for financial instruments admitted to trading. By contrast, Article 4 of Regulation (EU) No 596/2014 requires trading venues to notify their competent authorities only once of details of financial instruments which are the subject of a request for admission to trading, admitted to trading or traded and once subsequently where a financial instrument ceases to be traded or admitted to trading. Subject to the foregoing difference in reporting obligations under Regulation (EU) No 596/2014 and the aforementioned Delegated Regulation, the reporting obligations under this Regulation should be aligned with the reporting obligations under the aforementioned Delegated Regulation so as to reduce the administrative burden for entities subject to such obligations.

(2) In order to enable effective and efficient use of the list of notifications of financial instruments, trading venues should provide complete and accurate notifications of financial instruments. For the same reasons, competent authorities should monitor and assess notifications of financial instruments received from trading venues for completeness and accuracy and promptly inform them of any incompleteness or inaccuracy identified. Likewise, the European Securities and Markets Authority (ESMA) should monitor and assess the completeness and accuracy of notifications

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received from competent authorities and promptly inform them of any incompleteness or inaccuracy identified.

(3) The list of notifications of financial instruments should be published by ESMA in an electronic, machine-readable and downloadable form in order to facilitate efficient use and exchange of the data.

(4) This Regulation is based on the draft regulatory technical standards submitted by the ESMA to the Commission. ESMA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established by Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council[(3)].

(5) In order to ensure the smooth functioning of the financial markets, it is necessary that this Regulation enters into force as a matter of urgency and that the provisions laid down in this Regulation apply from the same date as those laid down in Regulation (EU) No 596/2014,

HAS ADOPTED THIS REGULATION:

Article 1

Notifications of financial instruments pursuant to Article 4(1) of Regulation (EU) No 596/2014 shall include all details referred to in Table 2 of the Annex to this Regulation that pertain to the financial instruments concerned.

Article 2

1 Competent authorities shall monitor and assess, using automated processes, whether the notifications received pursuant to Article 4(1) of Regulation (EU) No 596/2014 comply with the requirements under Article 1 of this Regulation and Article 2 of Commission Implementing Regulation (EU) 2016/378[(4)].

2 Trading venue operators shall be informed using automated processes without delay of any incompleteness in the received notifications and of any failure to deliver the notifications before the deadline specified in Article 1 of Implementing Regulation (EU) 2016/378.

3 Competent authorities shall, using automated processes, transmit complete and accurate notifications of financial instruments to ESMA pursuant to Article 1.

On the day following receipt of the notifications of financial instruments in accordance with Article 4(2) of Regulation (EU) No 596/2014, ESMA shall, using automated processes, consolidate the notifications received from each competent authority.

4 ESMA shall, using automated processes, monitor and assess whether the notifications received from competent authorities are complete and accurate and comply with the applicable standards and formats specified in Table 3 of the Annex to Implementing Regulation (EU) 2016/378.

5 ESMA shall, using automated processes, without delay inform the competent authorities concerned of any incompleteness in the transmitted notifications and of any failure to deliver notifications before the deadline specified in Article 1(3) of Implementing Regulation (EU) 2016/378.

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6 ESMA shall, using automated processes, publish the complete list of notifications in an electronic, downloadable and machine readable form on its website.

Article 3

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 3 July 2016.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1 March 2016.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

Notifications of financial instruments pursuant to Article 4(1) of Regulation (EU) No 596/2014

TABLE 1

Classification of commodity and emission allowances derivatives for Table 2 (fields 35-37)

Base product	Sub product	Further sub product
'AGRI' — Agricultural	'GROS' — Grains and Oil Seeds	'FWHT' — Feed Wheat 'SOYB' — Soybeans 'CORN' — Maize 'RPSD' — Rapeseed 'RICE' — Rice 'OTHR' — Other
	'SOFT' — Softs	'CCOA' — Cocoa 'ROBU' — Robusta Coffee 'WHSG' — White Sugar 'BRWN' — Raw sugar 'OTHR' — Other
	'POTA' — Potato	
	'OOLI' — Olive oil	'LAMP' — Lampante'
	'DIRY' — Dairy	
	'FRST' — Forestry	
	'SEAF' — Seafood	
	'LSTK' — Livestock	
	'GRIN' — Grain	'MWHT' — Milling Wheat
'NRGY' — 'Energy	'ELEC' — Electricity	'BSLD' — Base load 'FITR' — Financial Transmission Rights 'PKLD' — Peak load 'OFFP' — Off-peak 'OTHR' — Other
	'NGAS' — Natural Gas	'GASP' — GASPOOL 'LNGG' — LNG 'NBPG' — NBP 'NCGG' — NCG 'TTFG' — TTF
	'OILP' — Oil	'BAKK' — Bakken 'BDSL' — Biodiesel 'BRNT' — Brent 'BRNX' — Brent NX 'CNDA' — Canadian 'COND' — Condensate 'DSEL' — Diesel 'DUBA' — Dubai

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		‘ESPO’ — ESPO ‘ETHA’ — Ethanol ‘FUEL’ — Fuel ‘FOIL’ — Fuel Oil ‘GOIL’ — Gasoil ‘GSLN’ — Gasoline ‘HEAT’ — Heating Oil ‘JTFL’ — Jet Fuel ‘KERO’ — Kerosene ‘LLSO’ — Light Louisiana Sweet (LLS) ‘MARS’ — Mars ‘NAPH’ — Naptha ‘NGLO’ — NGL ‘TAPI’ — Tapis ‘URAL’ — Urals ‘WTIO’ — WTI
	‘COAL’ — Coal ‘INRG’ — Inter Energy ‘RNNG’ — Renewable energy ‘LGHT’ — Light ends ‘DIST’ — Distillates	
‘ENVR’ — Environmental	‘EMIS’ — Emissions	‘CERE’ — CER ‘ERUE’ — ERU ‘EUAE’ — EUA ‘EUAA’ — EUAA ‘OTHR’ — Other
	‘WTHR’ — Weather ‘CRBR’ — Carbon related'	
‘FRGT’ — ‘Freight’	‘WETF’ — Wet	‘TNKR’ — Tankers
	‘DRYF’ — Dry	‘DBCR’ — Dry bulk carriers
	‘CSHP’ — Containerships	
‘FRTL’ — ‘Fertilizer’	‘AMMO’ — Ammonia ‘DAPH’ — DAP (Diammonium Phosphate) ‘PTSH’ — Potash ‘SLPH’ — Sulphur ‘UREA’ — Urea ‘UAAN’ — UAN (urea and ammonium nitrate)	
‘INDP’ — Industrial products'	‘CSTR’ — Construction ‘MFTG’ — Manufacturing	
‘METL’ — Metals'	‘NPRM’ — Non Precious	‘ALUM’ — Aluminium ‘ALUA’ — Aluminium Alloy ‘CBLT’ — Cobalt ‘COPR’ — Copper ‘IRON’ — Iron ore