

OCTOBRE 2026

AFG'S RESPONSE TO ESMA CONSULTATION

EMIR Article 7d Reporting



AFG



L'Association Française de la Gestion financière (AFG) représente et promeut l'utilité de la gestion d'actifs pour les investisseurs et l'avenir de notre pays. Elle regroupe plus de 400 membres, dont environ 330 sociétés de gestion, qui gèrent 90 % des encours sous gestion en France. Le montant de ces encours s'élève à 5 000 milliards d'euros, montant le plus élevé des Etats membres de l'Union européenne.

L'AFG soutient le développement de la gestion d'actifs française au bénéfice des épargnants, des investisseurs et des entreprises. L'AFG s'investit pour une réglementation stable, efficace et compétitive, avec un engagement fort : permettre aux épargnants de financer leurs projets de vie tout en mobilisant l'épargne privée vers les entreprises qui se transforment.

Q1 - Do stakeholders agree with ESMA's assessment of data availability under existing reporting frameworks?

AFG broadly agrees with ESMA's assessment that much of the relevant information is already available under existing frameworks (EMIR, MIFIR and SFTR data) and supports the willingness to limit additional reporting to genuinely identified gaps.

However, the scope of Article 7d. may cover cash securities, spot transactions, other non-financial instruments and group entities not captured by existing reporting regimes. It may also bring into scope funds or institutional mandate clients that are not subject to EMIR as they do not trade derivatives and consequently have no EMIR reporting processes. Requiring such entities to build new systems for a standalone annual report would be disproportionate where the supervisory value is limited.

AFG's understanding of the Level 1 text explains why we refer to an extension of scope. Article 7d (1) applies to clearing members and clients that clear contracts through a CCP recognised under Article 25, but the information to be reported is expressly defined by reference to the type of financial instruments or non-financial instruments cleared. This wording is materially broader than the transaction-reporting perimeter under Article 9 EMIR, which is built around derivative contracts. It may therefore capture securities, securities financing transactions and certain non-financial instruments (FX spot) where they are cleared through a recognised third-country CCP (TCCCP). At the same time, the reference to clients must, in AFG's view, be read together with Article 2(15) EMIR, under which a client is undertaking having a contractual relationship with a clearing member of a TCCCP that enables it to clear its transactions with that TCCCP. The potential widening therefore operates on two connected dimensions: the range of instruments potentially covered and the number of entities that could be treated as reporting clients, including funds or mandates with no derivative activity or existing Article 9 reporting arrangements.

AFG considers that the operational analysis should explicitly distinguish between derivatives and cash transactions. For derivatives, the central issues are access to initial-margin and collateral data, which are principally held by the clearing member, and the risk of duplicating information already available through EMIR or other existing reporting channels.

For cash transactions, the preliminary issue is different: it is whether the fund or institutional mandate qualifies as a client within the meaning of EMIR and whether it has any effective visibility over the possible intervention at a TCCCP. In both cases, the framework must address the conditions under which the client can reasonably assume legal responsibility for the report and provide assurance as to the reliability of the data submitted.

Operational delegation to a clearing member may be an important part of the solution, but it does not fully resolve the difficulty where the client remains legally responsible for the

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content reported. That responsibility should not amount merely to transmitting information supplied by a third party where the client neither holds the underlying source data nor has reasonable means to verify their completeness and consistency.

Although appreciating that it is outside the mandate of ESMA and the consultation content AFG wishes to take occasion to respectfully state that it supports a Level 1 review. The preferred outcome would be deletion of Article 7d as targeted information can be obtained from existing EMIR/SFTR reports, recognised third-country CCPs and supervisory cooperation channels. If deletion is not feasible, the provision should be narrowed to derivatives. Clearing clients should be removed from the direct reporting obligation or covered through (mandatory) delegated reporting

Q2 - Do stakeholders agree with ESMA's assessment of data availability under existing reporting frameworks?

AFG supports annual reporting for the preceding calendar year. However, the last business day of January is not operationally appropriate because

- Clients cannot report without month end position from their clearing members. And Clearing members outside the Union are under no obligation to provide this data. Collecting the data and validating will take several weeks
- January also coincides with an already concentrated regulatory and financial reporting period.
- No supervisory urgency as mentioned in paragraph 15

AFG would support the use of the last business day of March or, alternatively, the last business day of June, depending on the preference of clearing members and the option that best aligns with existing operational and reporting processes.

This would allow firms to coordinate data collection, review and governance with other annual clearing-related processes, improve data quality and reduce avoidable implementation pressure

Q3 - Do stakeholders agree with ESMA's proposed transitional application mechanism? In particular, do stakeholders consider that the proposed arrangements provide sufficient time to prepare for the first reporting cycle while ensuring timely availability of the information?

AFG understands and supports the need for a transition period but considers that it will not provide sufficient time to prepare the reporting.

Considering the implementation requirements, the first reporting obligation should relate only to the first full calendar year beginning after the RTS have entered into force. All reporting entities should have at least 12 months from the publication of the final RTS to budget, develop their information systems, implement data flows, and set up contractual arrangements and controls before the relevant data-collection period starts in order to secure a proper implementation and validation of the data required. In ESMA's example of entry into force in May 2027, the first reference year would be 2028 reported in 2029

In our view the first reporting should not be required before 2029.

AFG does not support retrospective reporting as it would require manual reconstruction of data sets with no or very limited cost benefit interest, as they would regroup outdated information.

Indeed, many reporting entities / funds will not have retained the data from the TCCCP or received reportings from their clearing members enabling them to collect historical data required under the new reporting. Moreover, based on our understanding that supervisors generally consider the Article 7d information unnecessary for their supervisory duty we believe back reporting would amount in an costly, overly burdensome, unproportionate exercise.

Q4 - Do stakeholders agree with ESMA's proposed approach to the categorisation of instruments for the purposes of Article 7d reporting, based on recital 17, the classes of instruments covered by T1-CCP recognition and the corresponding asset classes? If not, would stakeholders prefer the use of the ISO 10962 Classification of Financial Instruments (CFI), or another approach, to identify both the type of instrument and the associated asset class? Please explain your reasoning, including any implications in terms of data availability and reporting burden.

AFG does not support the proposed breadth and granularity. Before determining categories, we think that ESMA should clarify which buy-side entities are reporting clients.

Therefore, AFG asks ESMA to confirm that an entity is in scope only where it meets the definition of client in Article 2(15) EMIR through its own contractual arrangements. Execution, custody or settlement relationships should clearly not be treated as clearing relationships, and an intermediary's use of a recognised third-country CCP should not create a reporting obligation for the end investor.

If non-derivative instruments remain in scope, practical examples are essential. Nevertheless, AFG's preferred classification would be limited to instrument for which data already exists under EMIR Refit. For derivatives, broad asset classes should be sufficient: equity, commodity, interest rate (including Inflation), credit, currencies and other

Q5 - Do stakeholders agree with the proposed methodology for calculating average values cleared over one year, based on aggregate month-end average positions, with a breakdown by Union currency and asset class? Please explain your views, including any implications for data availability, operational feasibility or reporting burden

AFG considers that operational feasibility depends on the final scope and on the party holding the underlying data. Any methodology should reuse values already available from clearing members, CCPs or existing regulatory reports and should avoid requiring clients to reconstruct market-side clearing activity that they cannot observe and for which they may not have the accurate data

Q6 - Do stakeholders agree that, for the purposes of Article 7d(1)(c), initial margin provides a more meaningful and proportionate indicator of exposure to recognised third country CCPs than variation margin, and with the proposal to report margins at a

less granular level than average values cleared, in particular by reporting initial margin per CCP recognised under Article 25?

AFG agrees that, where margin information is required, reporting should be limited to initial margin and reported at the level of each recognised third-country CCP rather than by detailed instrument category.

Variation margin should not be included, it is volatile, netted and does not measure exposure to CCP.

This requirement should apply only where initial margin is actually required or collected for the relevant client, service or account. A client may fall within the proposed perimeter for cash instruments without posting identifiable initial margin at client level. In that case, the absence of a reportable amount should not trigger an obligation to construct or allocate one.

Q7 - Do stakeholders also agree with ESMA's proposal to calculate reported initial margin as the average of month end observations over the reporting year? Alternatively, would either (i) the average of quarter end observations or (ii) the reporting of quarter end observations individually provide a more proportionate and operationally feasible approach?

AFG favours the least burdensome methodology compatible with meaningful supervision. So AFG supports Quarter-end observations that would generally be more proportionate than monthly observations, provided the information is available at the required client and CCP level.

Q8 - To what extent is it operationally feasible to obtain, provide and report initial margin information for the purposes of Article 7d reporting? ESMA would particularly welcome views from reporting entities, clearing members and other stakeholders involved in the reporting chain on the level of aggregation at which such information is available, the effort required to extract such information, and any associated implementation costs or operational burden

Q9 - Do stakeholders agree with ESMA's proposal to adopt Option B (distinguishing between EU and non-EU entities within a group) as the baseline level of granularity for consolidated reporting under Article 7d(1)(b)? If not, which of the alternative options

(Option A — fully consolidated reporting, or Option C — full entity-level breakdown) would stakeholders prefer, and for what reasons ?

AFG believes that the consolidated reporting requirement under Article 7d should be limited to the clearing activities of entities that fall within the territorial scope of EMIR. Non EU entities are not subject to EMIR and have no reporting infrastructure using EMIR requirements.

Including these entities would give Article 7d an extraterritorial effect perimeter beyond EMIR's territorial scope would create significant operational challenges, while providing limited additional supervisory value. Including third-country entities would introduce unnecessary complexity due to differences in regulatory frameworks, data definitions and reporting systems, increasing the risk of inconsistent and less reliable data.

Whatever reporting methodology is ultimately adopted, it should apply only to EU entities and should not require the inclusion of clearing activities undertaken by non-EU group entities.

Q10 - What are the operational implications and implementation costs of Options A, B and C, including data availability and any additional allocation or aggregation logic required ?

All three options could involve significant collection, validation and aggregation work.

The main issue being to define precisely the scope that fall under this new reporting

Q11 - Do stakeholders agree with ESMA's proposal to require reporting under Article 7d in CSV format? If not, do stakeholders consider that another format would be more appropriate? Please explain your reasoning, including any implications in terms of operational feasibility, implementation costs or data processing. In addition, ESMA would welcome evidence on whether the proposed CSV format would materially reduce implementation complexity relative to alternative formats, including from the perspective of smaller reporting entities

AFG can support CSV as a technically simple submission format, provided ESMA supplies a fully specified data dictionary, controlled values, validation rules, worked examples and version-management arrangements well before implementation.



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