

**EFAMA response to CPSS-IOSCO consultation on
Considerations for trade repositories in OTC derivatives markets**

EFAMA¹ welcomes the possibility to comment on CPSS-IOSCO's consultation on Considerations for trade repositories in OTC derivatives markets.

We believe the proposed factors for consideration by trade repositories and relevant authorities provide a clear and comprehensive framework for the role of trade repositories in OTC derivatives markets, and we support their adoption.

However, members have expressed some general concerns about the extent to which the principles attend to issues of data privacy, including access to trade data in particular.

Market transparency and data availability

We believe that public availability of data should be couched in more conservative terms than in the consultation. In bullet 1 a reference is made to the minimum publication requirements for data held by the TR. This is not matched by any maximum requirement, however in bullet 3 there is a reference to the type and granularity of trade information to be published conforming to “established regulatory expectations and industry practices”. These are loose and unspecific words. There are, for instance, no checks or balances as to how either the regulatory expectations or the industry practices might be established, or evaluated. There is no reference to customers of the market, who may or may not be considered to be the “industry”, nor to whose interests are meant to be served by such publication. We therefore strongly urge you to consider clarifying and qualifying this section to refer to public and private interests in respect of trade data, both of which are valid in this context.

Public availability of data should be subject to careful consideration. Public disclosure of individual positions should be avoided, and data should be published in aggregate form.

Access and participation

Although these are high level principles relating to general access, participant access could be construed as giving rise to access to data held within the system also. Issues of privacy require stringent controls around data access. We ask that the focus in this section, which we believe is intended to be about non-discriminatory access as a participant, should be made clearer.

¹ EFAMA is the representative association for the European investment management industry. It represents through its 26 member associations and 44 corporate members approximately EUR 12 trillion in assets under management, of which approximately EUR 7 trillion was managed by approximately 52,000 funds at the end of December 2009. Just under 36,000 of these funds were UCITS (Undertakings for Collective Investments in Transferable Securities) funds. For more information about EFAMA, please visit www.efama.org.