



# MiFIR post-trade transparency: the designated reporter and designated publishing entity regimes

## Background

Post-trade transparency (“PTT”) rules, established under EU and UK MiFIR, have been subject to review under the EU MiFIR Review and UK Wholesale Market Review (“WMR”), both of which will separately introduce a broad range of changes to markets regulation in their respective jurisdictions. One aspect subject to change is the determination of “who reports” when considering which counterparty to an OTC trade will undertake PTT reporting.

The UK is implementing a regime which allows investment firms to register as a designated reporter (“DR”) in order to enable them to carry out UK PTT on behalf of their counterparties. The UK DR regime will come into force on 29 April 2024.

The EU MiFIR Review is introducing a similar concept whereby a “designated publishing entity” (“DPE”) will become responsible for post-trade transparency reporting. This is expected to be implemented at a later date in 2025.

BNP Paribas intends to register as a DR under UK MiFIR and as a DPE under EU MiFIR once each regime comes into force. Accordingly, BNP Paribas will take responsibility for post-trade reporting for its clients in all cases, where they are not themselves a DR or DPE.

## Impact of the new PTT regimes

**Decoupling systematic internalisers and PTT** - the introduction of the DR/DPE will remove the link between systematic internalisers (“SIs”) and post-trade transparency. Where previously the determination of who would report an OTC trade was decided by whether a counterparty is an SI, this will now be determined by whether a counterparty is a DR/DPE.

**Any investment firm can register to become a DR/DPE** – firms can register as a DR/DPE regardless of their SI status. In the UK, the FCA will maintain a list of registered DRs which is made available on the FCA’s website. In the EU, ESMA will maintain a similar register on its website for DPEs. Links to the FCA and ESMA websites are provided below.

**Asset class or entity level registration** - in the UK registration as a DR is at the entity level. This means that designated reporters will offer to fulfil post-trade transparency requirements across all MiFID instruments (unless a DR utilises assisted reporting with another investment firm). In the EU, firms will be able to select the specific asset classes in which they will register as a DPE.

**Greater simplicity and clarity** – the DR/DPE regimes bring greater simplicity and clarity in regulatory reporting (PTT and transaction reporting) which will lead to cost savings as well as improved data quality via lower instances of under/over reporting.

## Regulation

UK & EU MiFIR

December 2023

## Key Dates

**3 January 2018**

MiFID II start date

**1 March 2022**

UK Designated Reporter Regime confirmed under UK WMR

**Q1 2024**

EU MiFIR Review expected to enter into the EU Official Journal.

**29 April 2024**

UK Designated Reporter Regime enters into force

**2025 (TBC)**

EU Designated Publishing Entity Regime expected to come into force

## Overview of UK and EU regimes

	UK MiFID II / MiFIR	EU MiFID II / MiFIR
Terminology used	Designated reporter (DR) Designated reporter regime (DRR)	Designated publishing entities (DPE)
Regulatory texts references	UK RTS 1 and UK RTS 2, supplementing UK MiFIR. (no change in level 1 UK MiFIR text)	MiFIR, New definition in Article 2 (16a) MiFIR, New Article 21a Designated publishing entities RTS 1 and RTS 2 to follow.
Level	At entity level	At entity and asset class level
Entry into force	29 April 2024 (1 year after the FCA's Policy Statement 23/4)	To be determined. As part of the EU MiFID II / MiFIR review, entry into force of the new MiFIR text is currently expected for March 2024 (subject to change). ESMA will follow with a level 2 text (RTS) at the latest 6 months after, so currently expected for September 2024. Should also allow for an implementation timeframe, we expect this to be one year.

## UK reporting waterfall

The PTT reporting waterfall reflects the existing structure in place, however where previously SI status acted as the determinant of 'who reports', this will now be determined by DR status:

1. DRs will be responsible for submitting PTT reports when transacting with a counterparty who is not a DR
2. If two DRs trade with each other, the seller will hold the responsibility for submitting a PTT report
3. If neither counterparty is a DR, the selling firm will hold the responsibility for submitting a PTT report

## BNP Paribas will become a DR/DPE in all asset classes

BNP Paribas intends to register as a DR in the UK and a DPE in the EU meaning that BNP Paribas will undertake PTT reporting on behalf of counterparties who are not registered as DRs (in line with the reporting waterfall set out above).

The DR/DPE status and Legal Entity Identifiers (LEIs) of BNP Paribas entities are as follows:

Legal entity	LEI	Designated reporter under UK MiFIR	Designated publishing entities under EU MiFIR
BNP Paribas SA	R0MUWSFPU8MPRO8K5P83	Yes	Yes, across all asset classes
BNP Paribas Financial Markets (previously known as BNP Paribas Arbitrage SNC)	6EWKU0FGVX5QQJHFGT48	No (entity not trading in the UK)	Yes, across all asset classes
BNP Paribas Fortis SA/NV	KGCEPHLVVKVRZO1T647	No (entity not trading in the UK)	Yes, across all asset classes

## BNP Paribas is responsible for Post-Trade Transparency reporting for its clients

The decision to opt-in as a DR/DPE ensures that BNP Paribas remains responsible to fulfil PTT reporting requirements on behalf of all of its clients. As a result, BNP Paribas is responsible for PTT obligations in almost all cases when trading OTC through the above mentioned entities with clients who are not also registered as a DR in the UK or DPE in the EU.

## Assisted reporting only required exceptionally

As per the waterfall reporting rules and its DR status, BNP Paribas will be responsible for PTT in almost all cases when trading OTC / off-venue and no assisted reporting arrangement will be required. In the small minority of instances where needed (for

investment firms with DR status but no reporting capabilities on all asset classes) BNP Paribas may accommodate assisted reporting.

## Who is subject to post-trade transparency requirements?

**Who** – In both the EU and UK, all investment firms must make public, via an approved third-party vendor (known as an Approved Publication Arrangement, or “APA”), the volume, price and time of OTC transactions (i.e., executed by voice or via a BNPP single dealer platform) for the instruments that are admitted to trade or traded on an EU or UK trading venue (i.e. qualified as TOTV).

**Real-time** - For bonds & derivatives instruments, such information must be reported within 5 minutes of execution, and for equity / equity like instruments within 1 minute from the point of execution (subject to applicable deferrals).

**What** - Execution price and size are made public to all market participants, but the counterparties’ identity is not disclosed.

**Deferrals** - National regulators may allow deferred publication or publication of limited details of transactions, in certain illiquid instruments or large transactions above specified thresholds (SSTI or LIS).

**Trading venues** - For trades executed on a MiFID II Trading Venue (TV), the TV is responsible for fulfilling the pre- and post-trade transparency obligations. The TV is responsible for reporting quotes and trades

## Which Approved Publication Arrangement (APA) does BNP Paribas use to perform post-trade transparency?

To perform the post-trade transparency reporting, BNP Paribas Global Markets (BNPP GM) uses:

- CBOE APA & LSE TRADEcho APA for equity and equity-like products
- Tradeweb APA for bonds and derivatives instruments

## FCA & ESMA Registers

- The FCA register of DRs is available on this webpage, under “DRSP, MTF, OTF, SI and DR Register (CSV)” (simple list in Excel): [https://register.fca.org.uk/s/resources#Other\\_registers](https://register.fca.org.uk/s/resources#Other_registers)
- The ESMA register of DPE is expected to be added here in the future: [https://registers.esma.europa.eu/publication/searchRegister?core=esma\\_registers\\_upreg](https://registers.esma.europa.eu/publication/searchRegister?core=esma_registers_upreg)

## Regulatory texts references

- HMT, Wholesale Markets Review: Consultation Response, 01 March 2022 - See pages 9-10 and 38, [https://assets.publishing.service.gov.uk/media/621debfdf3bf7f4f0743dc58/Wholesale\\_Markets\\_Review\\_Consultation\\_Response.pdf](https://assets.publishing.service.gov.uk/media/621debfdf3bf7f4f0743dc58/Wholesale_Markets_Review_Consultation_Response.pdf)
- FCA, Improvements to equity secondary markets, News, 03 May 2023, <https://www.fca.org.uk/news/news-stories/improvements-equity-secondary-markets>
- FCA, Policy Statement 23/4: Improving equity secondary markets, Policy Statement, 03 May 2023 - See section Designated Reporter Regime on pages 30-32 and in RTS 1 and RTS2, <https://www.fca.org.uk/publications/policy-statements/ps23-4-improving-equity-secondary-markets>
  - Commission Delegated Regulation (EU) 2017/587, RTS 1: transparency requirements in respect of shares, depositary receipts, exchange-traded funds, certificates and other similar financial instruments
  - Commission Delegated Regulation (EU) 2017/583, RTS 2: transparency requirements in respect of bonds, structured finance products, emission allowances and derivatives
- EU Council, Proposal MiFID II / MiFIR, 18 October 2023 - See Article 21a on page 88 <https://data.consilium.europa.eu/doc/document/ST-14375-2023-INIT/en/pdf>



**BNP PARIBAS**

## Abbreviations

DPE	Designated Publishing Entity (EU MiFIR)
DR	Designated Reporter (UK MiFIR)
DRR	Designated reporter regime (UK MiFIR)
LEI	Legal Entity Identifiers
PTT	Post-trade Transparency
RTS	Regulatory Technical Standards
SI	Systematic Internaliser
WMR	Wholesale Market Review

## Further questions

If you have any other comments or questions, please contact the BNP Paribas EMEA Regulatory team ([cep.regulations.office@uk.bnpparibas.com](mailto:cep.regulations.office@uk.bnpparibas.com)) or your usual relationship or sales contact.

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