



Council of the  
European Union

Brussels, 31 October 2022  
(OR. en)

14293/22

EF 329  
ECOFIN 1122

#### COVER NOTE

---

From: Ms Verena ROSS, The Chair, European Securities and Markets Authority (ESMA)

date of receipt: 31 October 2022

To: Mr. John Berrigan Director General, Financial Stability, Financial Services and the Capital Markets Union (DG FISMA)

---

Subject: ESMA's draft regulatory technical standards (RTS) on the suitability of the members of the management body of data reporting services providers (DRSPs)

---

Delegations will find attached a letter regarding ESMA's final report on the item in subject.

The full report can be viewed and downloaded from the link hereunder:

[https://www.esma.europa.eu/sites/default/files/library/esma74-362-2448\\_final\\_report\\_management\\_body.pdf](https://www.esma.europa.eu/sites/default/files/library/esma74-362-2448_final_report_management_body.pdf)

E-MAIL



ESMA REGULAR USE

The Chair

ESMA74-362-2661  
25 October 2022

IN 010962 2022  
26.10.2022

Received on  
25. 10. 2022

**John Berrigan**  
**Director General**  
**DG for Financial Stability, Financial**  
**Services and the Capital Markets**  
**Union (DG FISMA)**  
**European Commission**  
**Rue de la Loi / Wetstraat 200**  
**1049 Brussels, Belgium**

**Ref: ESMA's draft regulatory technical standards (RTS) on the suitability of the members of the management body of data reporting services providers (DRSPs)**

Dear Mr Berrigan, *dear Sean,*

In line with the empowerment contained in article 27f(5) of MiFIR<sup>1</sup>, I am pleased to submit to you, for the European Commission's adoption, ESMA's Final Report on the draft Regulatory Technical Standards (the draft RTS) on the suitability of the members of the management body of data reporting services providers (DRSPs).

The draft RTS specifies the conditions for the assessment of the suitability of the members of the management body of DRSPs, taking into account the different roles and functions carried out by them and the need to avoid conflicts of interest between members of the management body and the users of the DRSPs. The draft RTS are based on previously adopted Guidelines under Article 45(9) and 63(2) of MiFID II<sup>2</sup>.

ESMA has conducted a public consultation on the draft regulatory technical standards and analysed the potential related costs and benefits. In accordance with Article 37(1) of the ESMA Regulation, ESMA also requested the advice of the Securities and Markets Stakeholder Group (MSG) but did not receive feedback.

<sup>1</sup> 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 (Text with EEA relevance)

<sup>2</sup> Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (recast) Text with EEA relevance



Should you or your staff want to discuss the subject matter of the draft RTS or require any further information, please do not hesitate to contact either me or Fabrizio Planta, Head of the Markets and Data Reporting Department at ESMA.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Verena Ross', written in a cursive style.

Verena Ross

CC:

Ms Irene Tinagli, MEP, Chair of the Committee on Economic and Monetary Affairs, European Parliament

Ms Claudia Lindemann, Head of ECON Secretariat, European Parliament

Mr Zbyněk Stanjura, President of the ECOFIN Council, Council of the European Union

Ms Thérèse Blanchet, Secretary-General of the Council of the European Union