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European Union

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**Interinstitutional File:**  
**2021/0378 (COD)**

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#### **COVER NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing a European single access point providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability - Initial position of the three Institutions prior to commencement of trilogues

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Delegations will find enclosed the opening position of the three Institutions on the proposal mentioned above, prior to the commencement of the trilogue phase.

Encl.

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing  
a European single access point providing centralised access to publicly available information of relevance to  
financial services, capital markets and sustainability (Text with EEA relevance)**

**2021/0378(COD)**

**DRAFT [Draft opening position before trilogues ]**

**06-03-2023 at 14h31**

	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>Council Mandate</b>
1	2021/0378 (COD)	2021/0378 (COD)	2021/0378 (COD)
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European single access point providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European single access point providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European single access point providing centralised access to publicly available information of relevance to financial services, capital markets and sustainability (Text with EEA relevance)
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,
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	Commission Proposal	EP Mandate	Council Mandate
	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
7	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> , <u>1. OJ C [...], [...], p. [...].</u>	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> , <u>1. OJ C [...], [...], p. [...].</u>	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> , <u>1. OJ C [...], [...], p. [...].</u>
8	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
9	Whereas:	Whereas:	Whereas:
10	(1) In the Capital Markets Union (CMU) Action Plan <sup>1</sup> , the Commission proposed to improve public access to entities' financial and non-financial information by building a European Single Access Point (ESAP). The Commission Digital Finance Strategy <sup>2</sup> set out general lines on how Europe can support the digital transformation of finance in the coming years, and in particular to promote a data-driven finance. In the Strategy for Financing the Transition to a Sustainable Economy <sup>3</sup> , the Commission placed sustainable finance at the heart of the financial system as a key means to achieve the	(1) In the Capital Markets Union (CMU) Action Plan <sup>1</sup> , the Commission proposed to improve public access to entities' financial and non-financial information by building a European Single Access Point (ESAP). The Commission Digital Finance Strategy <sup>2</sup> set out general lines on how Europe can support the digital transformation of finance in the coming years, and in particular to promote a data-driven finance. In the Strategy for Financing the Transition to a Sustainable Economy <sup>3</sup> , the Commission placed sustainable finance at the	(1) In the Capital Markets Union (CMU) Action Plan <sup>1</sup> , the Commission proposed to improve public access to entities' financial and non-financial information by building a European Single Access Point (ESAP). The Commission Digital Finance Strategy <sup>2</sup> set out general lines on how Europe can support the digital transformation of finance in the coming years, and in particular to promote a data-driven finance. In the Strategy for Financing the Transition to a Sustainable Economy <sup>3</sup> , the Commission placed sustainable finance at the heart of the financial system as a key means to achieve

	Commission Proposal	EP Mandate	Council Mandate
	<p>green transition of the economy of the Union, as part of the Green Deal<sup>4</sup>.</p> <p>1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A capital markets union for people and businesses-new action plan, 24.9.2020, COM/2020/590 final.</p> <p>2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A digital finance strategy for the EU, 24.09.2020, COM/2020/591 final.</p> <p>3. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Strategy for financing the transition to a sustainable economy, 06.07.2021, COM/2021/390 final.</p> <p>4. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European green deal, 11.12.2019, COM/2019/640 final.</p>	<p>heart of the financial system as a key means to achieve the green transition of the economy of the Union, as part of the Green Deal<sup>4</sup>.</p> <p>1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A capital markets union for people and businesses-new action plan, 24.9.2020, COM/2020/590 final.</p> <p>2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A digital finance strategy for the EU, 24.09.2020, COM/2020/591 final.</p> <p>3. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Strategy for financing the transition to a sustainable economy, 06.07.2021, COM/2021/390 final.</p> <p>4. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European green deal, 11.12.2019, COM/2019/640 final.</p>	<p>the green transition of the economy of the Union, as part of the Green Deal<sup>4</sup>.</p> <p>1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A capital markets union for people and businesses-new action plan, 24.9.2020, COM/2020/590 final.</p> <p>2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A digital finance strategy for the EU, 24.09.2020, COM/2020/591 final.</p> <p>3. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Strategy for financing the transition to a sustainable economy, 06.07.2021, COM/2021/390 final.</p> <p>4. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European green deal, 11.12.2019, COM/2019/640 final.</p>
11	<p>(2) Easy access to data is important in order for decision makers in the economy and society to make sound decisions that serve the efficient functioning of the market. Rolling out common European data spaces in crucial sectors, including the financial sector, would serve that purpose. The financial sector is undergoing a digital transformation, which is expected to continue in the coming years, and the Union should support that transformation, in particular by promoting data-driven finance. Furthermore, putting sustainable finance at the heart of the financial system is a key means to achieving a green transition of the economy of the Union. For</p>	<p>(2) Easy <u>and structured</u> access to data is important in order for decision makers, <u>professional and retail investors, non-governmental organisations, civil society organisations, social and environmental organisations, as well as other stakeholders in the economy and society to make sound decisions that serve the efficient functioning of the market. Rolling out common European data spaces in crucial sectors, including the financial sector, would serve that purpose. The financial sector is undergoing a digital transformation, which is expected to continue in the coming</u></p>	<p>(2) Easy access to data is important in order <del>for decision makers in the economy and society to make sound decisions that serve the efficient functioning of the market. Rolling out common European data spaces in crucial sectors, including the financial sector, to facilitate the decision making process for a broad range of investors (including retail) but also many other stakeholders, NGOs and social and environmental organizations. In particular, easy access to complete sustainability-related information would serve that purpose. The enable market participants</del> <u>financial sector is undergoing a</u></p>

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	<p>the green transition to succeed through sustainable finance, it is essential that information related to the sustainability of businesses is easily accessible to investors so that they are better informed when making decisions about investments. For those purposes, public access to entities' information such as companies, businesses, financial institutions, financial and non-financial information needs to be improved. An efficient means to do so at Union level is to establish a centralised platform, a European single access point ("ESAP"), giving electronic access to all relevant information.</p>	<p><del>years, and the Union should support that transformation, in particular by promoting data-driven finance. Furthermore, putting sustainable finance at the heart of the financial system is a key means to achieving a green transition of the economy</del>  <u>economy and society to make sound, informed, and environmentally and socially responsible investment decisions that serve the efficient functioning of the Union. For the green transition to succeed through sustainable finance, it is essential that</u>  <u>market. The provision of reliable and systematised sources of information</u>  <del>related to the sustainability of businesses is easily accessible to investors so that they are better informed when making decisions about investments. For those purposes, public</del>  <u>would likewise be of particular relevance for researchers and practitioners in academia, who engage in empirical or theoretical research into financial markets. Ensuring easier</u>  <del>access to entities' public information such as companies, businesses, financial institutions, financial and non-financial information needs to be improved. An efficient means to do so at Union level is to establish a centralised platform, a European single</del>  <u>is also crucial in order to increase opportunities for the growth of small and medium-sized businesses (SMEs), and for visibility and innovation, including easier</u>  <del>access point ("ESAP"), giving electronic access to all relevant information</del>  <u>to information provided on a voluntary basis.</u></p>	<p><del>digital transformation, which is expected to continue in the coming years,</del>  <u>products or providing advice to obtain more easily the information they need in integrating sustainability risks</u>  <del>and the Union should support that transformation, in particular by promoting data-driven finance. Furthermore, putting sustainable finance at the heart of the financial system is a key means to achieving a green transition of the economy of the Union. For the green transition to succeed through sustainable finance, it is essential that information related to the sustainability of businesses is easily accessible to investors so that they are better informed when making decisions about investments. For those purposes, public access to entities' information such as companies, businesses, financial institutions, financial and non-financial</del>  <u>consideration of adverse sustainability impacts. Academia and researchers would also find a source of valuable and relevant information for data-based research and studies. By increasing the circulation of information, including across borders, and by increasing the digital use of that information, ESAP would further foster the integration of financial services and capital markets within the Union. In order to ensure that ESAP becomes a market reference, it is important that the platform grants access to a wide array of information. ESAP should notably grant access to information that any entity governed by the law of a Member State, in particular SMEs, may want to voluntarily disseminate to markets</u>  <del>needs to be improved. An efficient means to do so at Union level is to establish a centralised platform, a European single access point ("ESAP"), giving electronic access to all relevant information.</del></p>

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11a		<p><u>(2a) Rolling out common Union data spaces in crucial sectors, including the financial sector, would serve the purpose of providing easy access to reliable and systematised source of information. Those spaces are intended to merge currently fragmented and dispersed data that is relevant for capital markets, financial services and sustainable finance. The financial sector is undergoing a digital transformation, which is expected to continue in the coming years, and the Union should support that transformation, in particular by promoting data-driven finance. Furthermore, putting sustainable finance at the heart of the financial system is a key means to achieving a green transition of the economy of the Union. For the green transition to succeed through sustainable finance, it is essential that information related to the sustainability and social governance of businesses is easily accessible to investors and other key capital market participants so that they are better informed when making decisions about investments. For those purposes, public access to the financial and non-financial information of certain entities such as companies, businesses and financial institutions, needs to be improved. An efficient means of doing so at Union level is to establish a centralised platform, namely a European single access point ("ESAP"), giving electronic access to all relevant information and ensuring the measurability and comparability of the data made available.</u></p>	<p><u>(2a) Rolling out common European data spaces in crucial sectors, including the financial sector, would serve that purpose. The financial sector is undergoing a digital transformation, which is expected to continue in the coming years, and the Union should support that transformation, in particular by promoting data-driven finance. Furthermore, putting sustainable finance at the heart of the financial system is a key means to achieving a green transition of the economy of the Union. For the green transition to succeed through sustainable finance, it is essential that information related to the sustainability of businesses is easily accessible to investors so that they are better informed when making decisions about investments. For those purposes, public access to entities' information such as companies, businesses, financial institutions, financial and non-financial information needs to be improved. An efficient means to do so at Union level is to establish a centralised platform, a European single access point ("ESAP"), giving electronic access to all relevant information.</u></p>
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	Commission Proposal	EP Mandate	Council Mandate
	<p>(3) ESAP should provide the public with an easy centralised access to information about entities and their products that is made public in relation to financial services, capital markets and sustainability. ESAP should also provide access to information relevant to financial services and capital markets that is made public on a voluntary basis by any entity governed by the law of a Member State, where such entity chooses to make that information accessible on ESAP. As presented in the Digital Finance Strategy, ESAP should be established as from 2024.</p>	<p>(3) ESAP should provide the public with an easy centralised access to information about entities and their products that is made public in relation to financial services, capital markets, <u>sustainability and diversity, but not including marketing information. Such access is needed in order to meet the rising demand in the market for investable and diversified environmental, social and governance (ESG) related financial products and to channel capital towards those products</u> <del>and sustainability</del>. ESAP should also provide access to information relevant to financial services and capital markets that is made public on a voluntary basis by any entity governed by the law of a Member State, where such entity chooses to make that information accessible on ESAP. <del>As presented in the Digital Finance Strategy, ESAP</del> <u>Such information should be uniform in format and comparable in substance, value, utility and reliability to that submitted on a mandatory basis. To that end, the Joint Committee of the European Supervisory Authorities should develop draft implementing technical standards to specify the metadata to accompany the information submitted and, where applicable, the formats or templates to be used for drawing up such information. The Joint Committee of the European Supervisory Authorities should also take into account existing standards in the corresponding sectoral legislation and in particular the standards specifically designed for small and medium-sized undertakings. ESAP as an interface</u> should be <del>established as from 2024</del> <u>as user-friendly as possible, with a high degree of data comparability, and search</u></p>	<p>(3) ESAP should provide the public with an easy centralised access to information about entities and their products that is made public in relation to financial services, capital markets and sustainability, <u>and which does not consist of marketing information</u>. ESAP should also provide access to information relevant to financial services and capital markets that <u>corresponds to predetermined types and characteristics matching, to the extent appropriate, Union law's provisions, and that</u> is made public on a voluntary basis by any entity governed by the law of a Member State, where such entity chooses to make that information accessible on ESAP. <del>As presented in the Digital Finance Strategy, ESAP</del> <u>To ensure an increased comparability and usability of the information made available in ESAP on a voluntary basis, the Joint Committee of the European Supervisory Authorities should develop draft implementing technical standards to specify the specific metadata to accompany the information submitted and, where applicable, specific formats or templates to be used for drawing up such information. To that purpose, the Joint Committee of the European Supervisory Authorities</u> should <u>take into account the standards already existing in the corresponding sectoral legislation, and in particular the standards specifically designed for small and medium undertakings. Such information, submitted on a voluntary basis, might not necessarily meet all the requirements of the information submitted on a mandatory basis and might not necessarily be supervised nor updated over time</u> <del>be established as from 2024</del>.</p>

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		<u>criteria that are relevant to retail investors.</u>	
12a		<u>(3a) ESAP should not create any new reporting requirements in terms of content, but should build upon existing disclosure requirements stemming from Union legislative acts listed in the Annex. It is important to avoid double reporting so as to prevent additional administrative and financial burdens for the entities, especially SMEs.</u>	<u>(3a) ESAP should be established with an ambitious timeline, while taking intermediate steps to ensure the operational soundness and efficiency of the platform. In particular, sufficient time should be left for the technical implementation of the project and the collection of information to be put in place in Member states. The development of ESAP should start with a prototype phase of a minimum duration of 6 months to grant sufficient time to Member states and ESMA to establish the IT infrastructure and test it on the basis of the collection of a limited number of information flows. The development of the project should then be based on a phased-in approach starting with a prototype phase covering a limited number of sectoral legal acts and gradually incorporating, over time, a number of flows of information and functionalities over time at a pace allowing for a sound and efficient development of the platform. The functioning of ESAP should be assessed on a regular basis over the course of its implementation and operation to allow for the adjustments that would ensure its adequacy to the needs of its users and its technical efficiency.</u>
13	(4) The information to be made publicly accessible on ESAP should be collected by collection bodies designated for the purpose of collecting the information that the entities are under an obligation to make public. In order to ensure the efficient functioning of ESAP, the collection bodies should	(4) The information <del>to be</del> made publicly accessible on ESAP should be collected by collection bodies designated for the purpose of collecting the information that the entities are under an obligation to make public <u>or that is submitted on a voluntary basis</u> . In order to	(4) The information <del>to be</del> made publicly accessible on ESAP should be collected by collection bodies designated for the purpose of collecting the information that the entities are under an obligation to make public <u>or that they submit on a voluntary basis. For the purpose of making the collection of</u>

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	<p>make the information available to ESAP in automated ways through a single application programming interface. For the information to be digitally usable, entities should make such information available in a data extractable format or, where required by Union law, in a machine-readable format. Compared to data extractable formats, machine-readable formats are file formats structured so that software applications can easily identify, recognise and extract specific data, including individual statements of fact, and their internal structure. To ensure that entities submit the information in the correct format and to address possible technical issues encountered by the entities, the collection bodies should provide assistance to those entities.</p>	<p>ensure <del>the</del> <u>a full and cost</u> efficient functioning of ESAP, the collection bodies should make the information available to ESAP in automated ways through a single application programming interface. <del>For the information to be digitally usable, entities should make such information available in a data extractable format or, where required by Union law, in a machine-readable format. Compared to data extractable formats, machine-readable formats are file formats structured so that software applications can easily identify, recognise and extract specific data, including individual statements of fact, and their internal structure. To ensure that entities submit the</del> <u>, drawing to the extent possible upon the existing collection procedures and infrastructures in place, at Union and national level, for the transmission of information from the collection bodies to ESMA. For the purpose of making information available on ESAP, the designated collection bodies should store the information submitted by the entities or generated by the collection bodies themselves, unless appropriate alternative storage mechanisms are already provided for in Union law. Collection bodies should not be required to build new systems where existing national or Union mechanisms can be relied on for the storage of information. Member States should be able to identify at least one collection body for the collection of information submitted by</u> <del>in the correct format and to address possible technical issues encountered by the</del> <u>entities on a voluntary basis, and those</u> <del>the</del> <u>collection bodies should provide assistance to those</u> <u>could be the same as the ones collecting information submitted by</u> <u>entities on a mandatory basis.</u></p>	<p><u>information more</u> <del>. In order to ensure the</del> efficient <u>in terms of</u> functioning <del>of ESAP and costs</del>, the collection <del>bodies</del> <u>of information</u> should <del>make the</del> <u>be based to the extent possible on the existing collection procedures and infrastructures both as regards national infrastructures and existing mechanisms in place for the transmission of</u> information <del>available to ESAP in automated ways through a single application programming interface.</del> <u>from collection bodies to ESMA. Member States should retain flexibility in organizing the collection of information in their jurisdiction and this Regulation should also allow sufficient flexibility to allow</u> for the <del>information</del> <u>most efficient IT systems</u> to be <del>digitally usable, entities put in place. For the purpose of making information available on ESAP, the designated collection bodies</del> <u>should make such</u> <del>store the</del> information <del>available in a data extractable format or, where required by Union law, in a machine-readable format. Compared to data extractable formats, machine-readable formats are file formats structured so that software applications can easily identify, recognise and extract specific data, including individual statements of fact, and their internal structure. To ensure that entities submit the</del> <u>submitted by the entities or generated by the collection bodies themselves, unless appropriate alternative storage mechanisms are already provided for in EU legislation. Collection bodies should not be required to build new systems where existing national or European mechanisms can be relied on as regards storage of information. This is without prejudice of the storage of such information by the designated collection bodies for other purposes. Member States should be able to identify at least one collection body for the</u></p>

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			<p><u>collection of</u> information <del>in the correct format and to address possible technical issues encountered by the entities, the</del> <u>submitted by entities on a voluntary basis; collection bodies identified for collecting information submitted on a voluntary basis could be the same as the ones collecting information submitted on a mandatory basis. Collection bodies should make the information available to ESAP in automated ways through a standardized application programming interface without undue delay. When collection bodies should ensure the publication of the information in application of sectorial legislation,</u> collection bodies should <del>provide assistance to those entities</del> <u>make the information available to ESAP only after the publication of the information.</u></p>
13a		<p><u>(4a) In order for the information made publicly accessible on ESAP to be digitally usable, entities should make such information available in a data extractable format or, where required by Union law, in a machine-readable format. Data extractable formats do not necessarily require information to be structured in a way that makes it machine readable, whereas machine-readable formats are file formats structured so that software applications can easily identify, recognise and extract specific data, including individual statements of fact, and their internal structure. In order to ensure the widest array of use, both formats should be open in the sense that they are platform-independent and made available to the public without any restriction that impedes the re-use of the information</u></p>	<p><u>(4a) For the information to be digitally usable, entities should make such information available at least in a data extractable format that allows the presentation of information in a way that is also human readable. In order to ensure the widest array of use, such formats should be open in the sense that they are platform-independent and made available to the public without any restriction that impedes the re-use of the information therein, and it should be in addition widely used or required by law. Finally, such format should allow data extraction by a machine such as strings of characters as regards relevant information. For example, the ‘portable document format’ (PDF) would be seen as a data extractable format as long as, in the body of the document, the relevant information can be extracted by a machine. Images or scanned documents may not</u></p>

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		<u>contained therein. Draft implementing technical standards should be drawn up by the Joint Committee of the European Supervisory Authorities for submission to the Commission, specifying the characteristics of machine readable and data extractable formats and accounting for any evolving technology trends or standards. To ensure that entities submit the information in the correct format and to address possible technical issues encountered by the entities, the collection bodies should perform automated validations in accordance with this Regulation and provide assistance to the entities submitting information, as needed.</u>	<u>be regarded as data extractable information, even if in PDF format. Data extractable formats would not necessarily require information to be structured in a way that makes it machine readable. Certain other formats commonly encountered are usually considered machine readable (CSV, Excel, XML, XBRL,...). Given the importance for the proper functioning of ESAP of these format and their evolution over time, it would be efficient and appropriate to entrust the Joint Committee of the European Supervisory Authorities with the elaboration of draft implementing technical standards to specify the characteristics of machine readable and data extractable formats, for submission to the Commission. Where required by Union law, information should be made available in a machine-readable format which contains structured information so that software applications can easily identify, recognise and extract specific data, including individual statements of fact, and the internal structure of those data. Where information is required in machine-readable formats, it should be ensured that it is at the same time readily human-readable To ensure that entities submit the information in the correct format and to address possible technical issues encountered by the entities, the collection bodies should perform automated validation and provide assistance to those entities.</u>
14	(5) Apart from the information in relation to financial services, capital markets and sustainability that has to be made public under Union law, investors, market participants, advisors and the	(5) Apart from the information in relation to financial services, capital markets and sustainability that has to be made public under Union law, investors, market participants,	(5) Apart from the information in relation to financial services, capital markets and sustainability that has to be made public under Union law, investors, market participants, advisors and the

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	<p>public at large may have an interest in obtaining other information that an entity wants to make accessible. Small and medium-sized enterprises may want to make more information publicly accessible in order to become more visible to potential investors and thereby increase funding and diversify funding opportunities. Also, market participants may want to provide more information than that required by law or to make public the information required by national law but not available at Union level in order to complement the information provided to the public at the Union level. Any entity should therefore be allowed to make financial, sustainability-related and other relevant information accessible on ESAP. Pursuant to the principle of data minimisation, entities should ensure that no personal data are included, except where those data constitute a necessary element of the information about their economic activities, including when the name of the entity coincides with the name of the owner. Where such information contains personal data, the entities should ensure that they can rely for such disclosure on one of the lawful grounds of processing laid down in Article 6 of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1</sup>.</p> <p><small>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</small></p>	<p>advisors, <u>academia</u> and the public at large may have an interest in obtaining other information that an entity wants to make <u>publicly</u> accessible. <u>Micro</u>, small and medium-sized enterprises may, <u>in particular</u>, want to make more information publicly accessible in order to become more visible to potential investors and thereby increase funding and diversify funding opportunities. Also, market participants may want to provide more information than that required by <u>Union</u> law or to make public the information required by national law but not available at Union level in order to complement the information provided to the public at the Union level. <del>Any entity should therefore be allowed to make financial, sustainability-related and other relevant</del> <u>While submitted on a voluntary basis, such</u> information <del>accessible on ESAP. Pursuant to the principle of data minimisation, entities should ensure that no personal data are included, except where those data constitute a necessary element of the information about their economic activities, including when the name of the entity coincides with the name</del> <u>should nevertheless be uniform in format and comparable in substance, value, utility and reliability to that submitted on a mandatory basis, notwithstanding that the former might not necessarily meet all the submission requirements</u> of the <del>owner. Where such information contains personal data, the entities</del> <u>latter. Any entity</u> should <del>ensure that they can rely for such disclosure on one of the lawful grounds of processing laid down in Article 6 of Regulation (EU) 2016/679 of the European Parliament and of the Council</del> <u>therefore be allowed to make financial, sustainability-</u></p>	<p>public at large may have an interest in obtaining other information that an entity wants to make accessible. Small and medium-sized enterprises may <u>in particular</u> want to make more information publicly accessible in order to become more visible to potential investors and thereby increase funding and diversify funding opportunities. Also, market participants may want to provide more information than that required by <u>Union law</u>. <del>Such law or to make public the information required by national law but not available at Union level in order to complement the information provided to the public at the Union level. Any entity should therefore be allowed to make financial, sustainability-related and other relevant information accessible on ESAP. Pursuant to the principle of data minimisation, entities should ensure that no personal data are included, except where those data constitute a necessary element of the information about their economic activities, including when the name of the entity coincides with the name of the owner</del> <u>could be submitted on a voluntary basis at a later stage when the operational soundness and efficiency of the platform will be ensured and in any case after the Commission report to the European Parliament and to the Council on the implementation, functioning and effectiveness of ESAP. Where such</u> Information <del>contains personal data, the entities should ensure that they can rely for such disclosure on one of the lawful grounds of processing laid down in Article 6 of Regulation (EU) 2016/679 of the European Parliament and of the Council</del> <u>submitted on a voluntary basis should be clearly identified.</u></p> <p><small>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural</small></p>

	Commission Proposal	EP Mandate	Council Mandate
		<p><u>related and other relevant information accessible on ESAP.</u></p> <p><i>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</i></p>	<p><i>persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</i></p>
14a		<p><u>(5a) Entities submitting information to ESAP remain responsible for the accuracy, completeness and reliability of such information and metadata. Pursuant to the principles of data minimisation and protection, entities should ensure that no personal data are included, except where those data cannot be anonymised and data constitute a necessary element of the information about entities' economic activities, including where the name of the entity corresponds to the name of the owner. Where the information submitted contains personal data, entities should ensure that they can rely for the disclosure thereof on one of the lawful grounds of processing laid down in Article 6 of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1</sup>.</u></p> <p><u>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</u></p>	<p><u>(5a) All entities submitting information to be made available in ESAP should be responsible for the accuracy of the information and metadata they submit to the collection bodies. Pursuant to the principle of data minimisation, entities should ensure that no personal data are included, except where those data constitute a necessary element of the information about their economic activities, including when the name of the entity coincides with the name of the owner. Where such information contains personal data, the entities should ensure that they can rely for such disclosure on one of the lawful grounds of processing laid down in Article 6 of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1</sup>.</u></p> <p><u>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</u></p>

	Commission Proposal	EP Mandate	Council Mandate
15	(6) The objective of the European Securities and Markets Authority (ESMA) is to protect the public interest by contributing to the stability and effectiveness of the financial system for the Union economy, its citizens and businesses. In that context, ESMA is to contribute in particular to ensure the integrity, transparency, efficiency and orderly functioning of financial markets. It has, amongst others, the task to improve investor protection. Because of those reasons, ESMA should be given the task of establishing and operating ESAP.	(6) The objective of the European Securities and Markets Authority (ESMA) is to protect the public interest by contributing to the stability and effectiveness of the financial system for the Union economy, its citizens and businesses. In that context, ESMA is to contribute in particular to ensure the integrity, transparency, efficiency and orderly functioning of financial markets. It has, amongst others, the task to improve investor protection. Because of those reasons, ESMA should be given the task of establishing and operating ESAP.	(6) The objective of the European Securities and Markets Authority (ESMA) is to protect the public interest by contributing to the stability and effectiveness of the financial system for the Union economy, its citizens and businesses. In that context, ESMA is to contribute in particular to ensure the integrity, transparency, efficiency and orderly functioning of financial markets. It has, amongst others, the task to improve investor protection. Because of those reasons, ESMA should be given the task of establishing and operating ESAP.
16	(7) In order to enable entities and the public to identify the collection bodies providing information to ESAP, ESMA should publish on its website a list of the collection bodies and keep it up to date.	(7) In order to enable entities and the public to identify the collection bodies providing information to ESAP, ESMA should publish on its website a list of the collection bodies and keep it up to date. <u>Any modifications required to be made to that list should be carried out in the shortest timeframe possible.</u>	(7) In order to enable entities and the public to identify the collection bodies providing information to ESAP, ESMA should publish on its website a list of the collection bodies and keep it up to date.
17	(8) ESAP risks being subject to confidentiality breaches, integrity risks or risks on availability of the system and on the information processed therein. Those threats include accidents, errors, deliberate attacks and natural events, and need to be recognised as operational risks. ESMA should implement appropriate and proportionate policies to ensure that ESAP protects the information processed and functions as needed.	(8) ESAP risks being subject to confidentiality breaches, integrity risks or risks on availability of the system and on the information processed therein. Those threats include accidents, errors, deliberate attacks and natural events, and need to be recognised as operational risks. ESMA <u>and the collection bodies</u> should implement appropriate and proportionate policies, <u>including regular reviews</u> , to ensure that ESAP protects the information processed and functions as needed <u>to the highest appropriate standard</u> .	(8) ESAP risks being subject to confidentiality breaches, integrity risks or risks on availability of the system and on the information processed therein. Those threats include accidents, errors, deliberate attacks and natural events, and need to be recognised as operational risks. ESMA should implement appropriate and proportionate policies to ensure that ESAP protects the information processed and functions as needed.

	Commission Proposal	EP Mandate	Council Mandate
18	<p>(9) To facilitate the searching, finding, retrieving and use of data, ESMA should ensure that ESAP offers a set of functionalities, including a search function, machine translation and possibilities to extract the information. The search functions should be offered in all the official languages of the Union and build at least on the metadata provided pursuant to the directives and regulations listed in the Annex. By 31 December 2024, ESMA should ensure that ESAP provides users with a minimum set of functionalities, to be completed by 31 December 2025.</p>	<p>(9) To facilitate the searching, finding, retrieving and use of data, ESMA should ensure that ESAP offers a set of functionalities, including a search function, machine translation and possibilities to extract the information <u>as well as e-accessibility features designed for visually impaired persons or individuals with disabilities and access needs</u>. The search functions should be offered in all the official languages of the Union and build at least on the metadata provided pursuant to the directives and regulations listed in the Annex. By 31 December <del>2024</del><u>2025</u>, ESMA should ensure that ESAP provides users with a minimum set of functionalities, to be completed by 31 December <del>2025</del><u>2026</u>.</p>	<p>(9) To facilitate the searching, finding, retrieving and use of data, ESMA should ensure that ESAP offers a set of functionalities, including a search function, <del>machine translation</del> and possibilities to extract the information. <u>To ensure the circulation of information, notably across borders, ESAP should also offer a machine-translation function allowing users to access translations of the information free of charge. However, neither entities nor collection bodies should be held responsible for these translations.</u> The search functions should be offered in all the official languages of the Union and build <del>at least in particular</del> on the <u>following</u> metadata <del>provided pursuant to the directives and regulations listed in the Annex: the names of the entities to which the submitted information relates, where available, the legal entity identifier of the entity to which the information relates, the type of information submitted, the mandatory or voluntary basis of the submission, the date or period to which the information relates, the size-category of the entity to which the information relates.</del> . By 31 December <del>2024</del><u>2025</u>, ESMA should ensure that ESAP provides users with a minimum set of functionalities, to be completed by 31 December <del>2025</del><u>2026</u>.</p>
18a		<p><u>(9a) When designing the user interface for ESAP, it should be borne in mind that it will potentially have a broad range of users, including both professional and retail</u></p>	

	Commission Proposal	EP Mandate	Council Mandate
		<u>investors, as well as academic institutions and civil society organisations. Therefore, the user interface and search function should be designed in a manner that caters for a broad range of potential users.</u>	
19	<p>(10) Re-using information that is available on ESAP can improve the functioning of the internal market and promote the development of new services that combine and make use of such information. It is therefore necessary, where justified on grounds of a public interest objective, to allow re-use of the information that is available on ESAP for purposes other than the purposes for which the information was drawn up. However, the use and re-use of that information should be subject to objective, proportionate and non-discriminatory conditions. For that purpose, conditions corresponding to those laid down in open, standard licences within the meaning of Directive (EU) 2019/1024 of the European Parliament and of the Council<sup>1</sup> should apply. The licensing terms of those standard licences should allow for data and content to be freely accessible, used, modified and shared by anyone for any purpose. ESMA should bear no liability for the use and re-use of information accessible on ESAP. The submission of information by the collection bodies should either not be subject to conditions or be subject to an open standard licence enabling the licensing terms applying for information accessible in the ESAP.</p> <p><sup>1</sup>. Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).</p>	<p>(10) <u>Using and</u> re-using information that is <u>publicly</u> available on ESAP can improve the functioning of the internal market and promote the development of new services that combine and make use of such information. It is therefore necessary, where justified on grounds of a public interest objective, to allow <u>for the use and</u> re-use of the information that is available on ESAP for purposes other than <del>the purposes</del><u>those</u> for which the information was drawn up. <del>However, the</del><u>Such</u> use and re-use of that information should, <u>nonetheless</u>, be subject to objective, proportionate and non-discriminatory conditions. For that purpose, conditions corresponding to those laid down in open, standard licences within the meaning of Directive (EU) 2019/1024 of the European Parliament and of the Council<sup>1</sup> <del>should apply. The licensing terms of those standard licences should allow</del><u>allowing</u> for data and content to be freely accessible, used, modified and shared by anyone for any purpose. <del>ESMA should bear no liability for the use and re-use of information accessible on ESAP. The submission of information by</del><u>apply. Neither ESMA nor</u> the collection bodies should <del>either not be subject to conditions or be subject to an open standard licence enabling the licensing terms applying for</del><u>bear any form of liability for the use and re-</u></p>	<p>(10) <u>Using and</u> re-using <u>the</u> information <del>that is available</del><u>made accessible</u> on ESAP can improve the functioning of the internal market and promote the development of new services that combine and make use of such information. It is therefore necessary, <del>where justified on grounds of a public interest objective, to allow</del> <u>to allow for the unconditional use and</u> re-use of the information that is <del>available</del><u>accessible</u> on ESAP <del>for purposes other than the purposes for which the information was drawn up. However, the, unless such</del> use and re-use <del>of that information should be</del><u>is</u> subject to objective, <del>proportionate</del> and non-discriminatory conditions. <del>For that purpose, conditions corresponding to those</del> laid down in <u>an</u> open, standard <del>licences</del><u>licence</u> within the meaning of Directive (EU) 2019/1024 of the European Parliament and of the Council<sup>1</sup> <del>should apply. The licensing terms of those standard licences should allow, allowing</del> for data and content to be <del>freely accessible</del><u>accessible for free</u>, used, modified and shared by anyone for any purpose. <u>Entities submitting their information to a collection body for it to be made available</u> <del>ESMA should bear no liability for the use and re-use of information accessible on ESAP. The submission of information by the collection bodies should either not be subject to conditions or be subject to an open standard licence enabling the licensing terms applying for</del></p>

	Commission Proposal	EP Mandate	Council Mandate
		<p><u>use of</u> information accessible <del>in the</del><u>on</u> ESAP.</p> <p>1. Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).</p>	<p><u>should not limit the use and re-use of this information. Neither ESMA nor collection bodies should be held responsible for the use and re-use of</u> information accessible <del>in the</del><u>on</u> ESAP.</p> <p><del>1. Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).</del></p>
20	<p>(11) The information available on ESAP should be accessible to the public in a timely manner. In that regard, the time between collecting the information and making it accessible to the public should be reasonable and, in any event, as short as technically possible. In order to ensure a uniform quality of information, the collection bodies should perform automated validations and reject invalid information.</p>	<p>(11) The information available on ESAP should be accessible to the public in a timely manner. In that regard, the time <u>interval</u> between <del>collecting</del> the <u>collection of</u> information <del>and making it accessible to the public</del><u>by collection bodies and its publication on ESAP</u> should be reasonable and, in any event, as short as technically possible. In order to ensure a uniform quality of information, the collection bodies should perform automated validations and reject invalid information. <u>The validity of the information should not be assessed on the basis of its content but rather on its compliance with this Regulation and with any accompanying amendments to sectoral legislation. In assessing the validity of the information, collection bodies should maintain discretion in rejecting information that falls outside the scope of ESAP.</u></p>	<p>(11) <u>The information available on ESAP should be accessible to the public in a timely manner. Therefore, the information provided by collection bodies to ESAP should be made available on ESAP without undue delay and, in any event, as short as technically possible. In order to ensure a uniform quality of information, the collection bodies should perform automated validations and reject invalid information. These automated validations should not concern the content of the information. In addition to automated validation, collection bodies should have the power to reject information if it is identified, for example after receiving information from any stakeholder, that it falls outside the scope of ESAP, or that it includes manifestly inappropriate or abusive content in the sense that this is clear for any reasonable person. Collection bodies are not required to manually or automatically check whether information falls outside the scope of ESAP or is manifestly inappropriate or abusive. Other duties that collection bodies might have under other provisions of Union law or under national law remain unaffected.</u><del>The information available on ESAP should be accessible to the public in a timely manner. In that regard, the time between collecting</del></p>

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			<i>the information and making it accessible to the public should be reasonable and, in any event, as short as technically possible. In order to ensure a uniform quality of information, the collection bodies should perform automated validations and reject invalid information.</i>
21	<p>(12) ESAP should provide users with access to information for free and without discrimination and should make it possible for those users to search, access and download the information through ESAP. However, taking into account the need to protect ESMA from an excessive financial burden in relation to costs incurred for serving the needs of intensive users, if any, ESMA should have the ability to generate revenues. Therefore, by way of derogation from the principle that information should be accessible free of charge, ESMA should be allowed to impose fees for those specific services, including for services with high maintenance costs due to searches for very large volumes of information or to frequent access to ESAP. Any fees imposed should, however, not exceed the cost of the service provided.</p>	<p>(12) ESAP should provide users with access to information for free and without discrimination and should make it possible for those users to search, access and download the information through ESAP. However, taking into account the need to protect ESMA from an excessive financial burden in relation to costs incurred for serving the needs of intensive users, if any, ESMA should have the ability to generate revenues. Therefore, by way of derogation from the principle that information should be accessible free of charge, ESMA should be allowed to impose fees for those specific services, including for services with high maintenance <u>or support</u> costs due to searches for <u>and downloads of</u> very large volumes of information or <u>to frequent high frequency of</u> access to <u>information made available on ESAP, in particular if such information is of commercial relevance</u> ESAP. Any fees imposed should, however, not exceed the cost of the service provided <u>by ESMA and should be allocated to contributing to the overall functioning of ESAP. Retail investors, academia, social partners and civil society organisations should not be subject to any fees. The calculation of fees should be transparent and based on clear principles.</u></p>	<p>(12) ESAP should provide users with access to information for free and without discrimination and should make it possible for those users to search, access and download the information through ESAP. However, taking into account the need to protect ESMA from an excessive financial burden in relation to costs incurred for serving the needs of intensive users, if any, ESMA should have the ability to generate revenues. Therefore, by way of derogation from the principle that information should be accessible free of charge, ESMA should <del>be allowed to</del> impose fees for those specific services, including for services with high maintenance costs due to <del>searches for</del> <u>downloads of</u> very large volumes of information, <u>and services that involve high frequency requests for</u> <del>or to frequent</del> access to <u>ESAP information</u>. Any fees imposed should, however, not exceed the cost of the service provided. <u>The revenue of those fees should be used for the improvement of ESAP and will reduce the overall budgetary contribution needed for the functioning of ESAP.</u></p>

	Commission Proposal	EP Mandate	Council Mandate
22	<p>(13) To promote data-driven innovation in finance, help integrate capital markets in the European Union, channel investments into sustainable activities, and bring efficiencies for consumers and businesses, ESAP should improve access to information that include personal data. ESAP should, however, only improve access to those personal data that have to be processed pursuant to Union law, or that are processed voluntarily provided that there is a lawful ground for such processing pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council. For any processing of personal data in the context of providing information via ESAP, the collection bodies, and ESMA in its capacity as operator of ESAP, should ensure that Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>1</sup> are complied with.</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p>	<p>(13) To promote data-driven innovation in finance, help integrate capital markets in the European Union, channel investments into sustainable activities, and bring efficiencies for consumers and businesses, ESAP should improve access to information that include personal data. ESAP should, however, only improve access to those personal data that have to be processed pursuant to Union law, or that are processed voluntarily provided that there is a lawful ground for such processing pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council. For any processing of personal data in the context of providing information via ESAP, <del>the collection bodies, and</del> ESMA, in its capacity as <del>operator</del><u>data controller</u> of ESAP, <del>and the collection bodies</del> should ensure that Regulation (EU) 2016/679 and Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>1</sup> are complied with. <u>Submitting entities should be responsible for identifying the presence of any personal data in the information submitted and for the processing of such personal data on the basis of one of the lawful grounds for processing listed in Article 6, point (1), of Regulation (EU) 2016/679. Information accompanied by a metadata identifying that it contains personal data should not be retained by collection bodies or ESAP for longer than necessary and in any event for no longer than five years, unless otherwise stated in the legal acts in the scope of ESAP.</u></p>	<p>(13) To promote data-driven innovation in finance, help integrate capital markets in the European Union, channel investments into sustainable activities, and bring efficiencies for consumers and businesses, ESAP should improve access to information that include personal data. ESAP should, however, only improve access to those personal data that have to be processed pursuant to Union law, or that are processed voluntarily provided that there is a lawful ground for such processing pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council. For any processing of personal data in the context of providing information via ESAP, the collection bodies, and ESMA in <del>its</del><u>their</u> capacity as <del>operator</del><u>data controllers</u> of ESAP, should ensure that Regulation (EU) 2016/679 <del>and</del><u>and/or</u> Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>1</sup>, <u>as applicable</u>, are complied with. <u>ESMA Submitting entities are responsible to process personal data on the basis on one of the lawful grounds of processing listed in Article 6, point (1) of Regulation (EU) 2016/679 of the European Parliament and of the Council and to identify the presence of personal data in the information. Information accompanied by a metadata identifying that it contains personal data should not be retained for the purpose of being made available on ESAP nor be made available on ESAP for longer than necessary and in any event for longer than 5 years, unless stated otherwise in the legal acts in the scope of ESAP.</u></p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and</p>

	Commission Proposal	EP Mandate	Council Mandate
		1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).	of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).
23	(14) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on [insert date].	(14) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on <del>insert date</del> <u>19 January 2022</u> .	(14) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on <del>insert date</del> <u>19 January 2022</u> .
24	<p>(15) In order to build and maintain public trust in ESAP and to protect each entity from undue alteration of its information, ESAP should ensure data integrity and credibility of the source of the information submitted to the collection bodies. Therefore, information submitted by the entities should include a qualified electronic seal attached to the information submitted as defined in Article 3(20), of Regulation (EU) No 910/2014 of the European Parliament and of the Council<sup>1</sup>. A specific legal entity identifier may be a mandatory attribute of that certificate. That seal or signature acquired by ESAP should be made available to users.</p> <p><sup>1</sup>. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</p>	<p>(15) In order to build and maintain public trust in ESAP and to protect each entity from undue alteration of its information, ESAP should ensure data integrity and credibility of the source of the information submitted <u>by entities</u> to the collection bodies. Therefore, information submitted by the entities should include a qualified electronic seal attached to the information submitted as defined in Article 3(<del>20</del><u>27</u>), of Regulation (EU) No 910/2014 of the European Parliament and of the Council<sup>1</sup> <u>if such a requirement exists in national legislation</u>. A specific legal entity identifier <del>may</del> <u>(LEI), when available, should</u> be a mandatory attribute of that certificate. That seal or signature acquired by ESAP should be made available to users. <u>Where available, an LEI should be based on a globally recognised standard in order to facilitate interoperability. In the absence of an LEI, alternative means of efficiently ensuring a unique identification of the entities concerned</u></p>	<p>(15) In order to build and maintain public trust in ESAP and to protect each entity from undue alteration of its information, ESAP <u>and collection bodies</u> should ensure data integrity and credibility of the source of the information submitted <del>to the</del> <u>by entities and</u> collection bodies. <del>Therefore, ESAP and collection bodies should ensure appropriate levels of authenticity, availability, integrity and non-repudiation of the</del> information submitted by <u>entities to be made available to and accessible on ESAP. The non-repudiation of the information</u> <del>the entities should include a qualified electronic seal attached</del> <u>provide a reasonable assurance that</u> to the <del>information submitted as defined in Article 3(20), of Regulation (EU) No 910/2014</del> <u>sender that its submission was delivered, as well as proof</u> of the <del>European Parliament and of the Council<sup>1</sup>. A specific legal entity identifier may be a mandatory attribute of that certificate. That seal or signature acquired by ESAP should be made available to users</del> <u>sender's identity to the recipient. A qualified</u></p>

	Commission Proposal	EP Mandate	Council Mandate
		<p><u>should be defined, such as a reference to a set of national and industry identifiers commonly used, and thus widely available in the Member States, that is published and maintained by the ECB.</u></p> <p>1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</p>	<p><u>electronic seal as defined in Article 3, point (27), of Regulation (EU) No 910/2014 of the European Parliament and of the Council<sup>1</sup> could be used to meet these objectives.</u></p> <p>1. Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).</p>
25	<p>(16) In order for the information to be comparable over time, users should have access to past information. It is therefore necessary to require ESAP to provide access to information for a reasonable period of time, to the extent compatible with other applicable provisions of Union law. For that purpose, ESMA should ensure that no personal data are made accessible for longer than necessary as provided for under Union law. In order to enable ESMA and the collection bodies to prepare the operation of ESAP, ESAP should only provide access to the information submitted as from 1 January 2024.</p>	<p>(16) In order for the information to be comparable over time, users should have access to past information. It is therefore necessary to require ESAP to provide access to information for a reasonable period of time, to the extent compatible with other applicable provisions of Union law. For that purpose, ESMA should ensure that <del>no</del> personal data <del>are made accessible</del> <u>is neither retained nor made available on ESAP</u> for longer than necessary as provided for under Union law <u>and, in any event, for no longer than five years, unless stated otherwise in the legal acts in the scope of ESAP</u>. In order to enable ESMA and the collection bodies to prepare the operation of ESAP, ESAP should only provide access to the information submitted as from 1 January <del>2024</del> <u>2025</u>.</p>	<p>(16) In order for the information to be comparable over time, users should have access to past information. It is therefore necessary to require ESAP to provide access to information for a reasonable period of time, to the extent compatible with other applicable provisions of Union law. For that purpose, ESMA should ensure that no personal data are made accessible for longer than necessary as provided for under Union law. In order to enable ESMA and the collection bodies to prepare the operation of ESAP, ESAP should only provide access to the information submitted as from 1 January <del>2024</del> <u>2026</u>.</p>
25a			<p><u>(16a) The annual report on ESAP to be drawn up by ESMA, in close cooperation with the EBA and EIOPA, should ensure the regular monitoring of</u></p>

	Commission Proposal	EP Mandate	Council Mandate
			<p><u>the functioning of ESAP and ensure that any potential problems with its functioning would be transparent so that, when needed, appropriate action can be undertaken by ESMA, collection bodies and entities. The drawing up by ESMA, in close cooperation with the EBA and EIOPA, will also ensure that national competent authorities are involved and that other stakeholders are consulted in the context of ESMA's Securities and Markets Stakeholder Group. Given the relevance of the Commission report to the European Parliament and to the Council on the implementation, functioning and effectiveness of ESAP for the possible adoption of a delegated act to postpone the inclusion in the scope of the ESAP of information for which the submission to collection bodies is not yet required in application of the Directive (EU) XXX of the European Parliament and of the Council [ESAP Omnibus Directive] and Regulation (EU) XXX of the European Parliament and of the Council [ESAP Omnibus Regulation] amending certain Directives and Regulations as regards the establishment and functioning of ESAP, it is important that the European Commission makes use of the reports by ESMA and carries out appropriate consultations of the relevant experts group, notably the Expert Group of the European Securities Committee. The European Parliament and the Council should, where considered appropriate by them, have ample opportunity to discuss the Commission's report.</u></p>
26	(17) To ensure a smooth processing of the information received or drawn-up by the collection	(17) To ensure a smooth processing of the information received or drawn-up by the	(17) To ensure a smooth processing of the information received or drawn-up by the collection


	Commission Proposal	EP Mandate	Council Mandate
	<p>bodies and made available to ESAP, it is necessary to lay down certain requirements specifying the format and the metadata of that information and which collection bodies should collect such information. In order to ensure the quality of the information submitted to ESAP by the collection bodies, it is also necessary to define the characteristics of the automated validations to be carried out on each information reaching the collection bodies, and the characteristics of the qualified electronic seal to be attached to that information by the entities. To ensure the use and re-use of data on ESAP, a list of the designated open standard licences would need to be defined. To facilitate the searching, finding, retrieving of the data in a timely manner, the characteristics of the application programming interface and the metadata to be implemented will also need to be designed. Additional requirements as regards efficient search functions will need to be implemented such as the specific legal entity identifier, the classification of the type of information, and the categories of the size of the entities. To that purpose, the Joint Committee of the European Supervisory Authorities should develop draft implementing technical standards. Additionally, ESMA might develop draft implementing technical standards to determine the nature and extent of the specific services for which fees may be charged and the associated fee structure. The Commission should be empowered to adopt those implementing technical standards by means of implementing acts pursuant to Article 291 TFEU and in accordance with Article 15 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council<sup>1</sup>, No 1094/2010 of the European Parliament and of the Council<sup>2</sup> and No 1095/2010 of the European Parliament and of the</p>	<p>collection bodies and made available to ESAP, it is necessary to lay down certain <u>clear and detailed</u> requirements specifying the format and the metadata of that information and which collection bodies should collect such information. In order to ensure the quality of the information submitted to ESAP by the collection bodies, it is also necessary to define the characteristics of the automated validations to be carried out on each information reaching the collection bodies, and the characteristics of the qualified electronic seal to be attached to that information by the entities. To ensure the use and re-use of data on ESAP, a list of the designated open standard licences would need to be defined. To facilitate the searching, finding, retrieving of the data in a timely manner, the characteristics of the application programming interface and the metadata to be implemented will also need to be designed. Additional requirements as regards efficient search functions will need to be implemented such as the specific legal entity identifier, the classification of the type of information, and the <u>categories</u> <u>size</u> of the <u>size of the entities</u> <u>entities</u> <u>by categories</u>. To that purpose, the Joint Committee of the European Supervisory Authorities should develop draft implementing technical standards. Additionally, ESMA <u>might</u> <u>should be able to</u> develop draft implementing technical standards to determine the nature and extent of the specific services for which fees may be charged and the associated fee structure. <u>Such draft implementing technical standards would allow for global and interoperable access to the information of entities</u>. The Commission should be empowered</p>	<p>bodies and made available to ESAP, it is necessary to lay down certain requirements specifying the format and the metadata of that information and which collection bodies should collect <u>or generate</u> such information. In order to ensure the quality of the information submitted to ESAP by the collection bodies, it is also necessary to define the characteristics of the automated validations to be carried out on each information reaching the collection bodies, <del>and the characteristics of the qualified electronic seal to be attached to that information by the entities. To ensure the use and re-use of data on ESAP, a list of the designated open standard licences would need to be defined.</del> To facilitate the searching, finding, retrieving of the data in a timely manner, the characteristics of the application programming interface and the metadata to be implemented will also need to be designed. Additional requirements as regards efficient search functions will need to be implemented such as the specific legal entity identifier, the classification of the type of information, and the categories of the size of the entities. To that purpose, the Joint Committee of the European Supervisory Authorities should develop draft implementing technical standards. Additionally, ESMA <del>might</del> <u>should</u> develop draft implementing technical standards to determine the nature and extent of the specific services for which fees <del>may</del> <u>could</u> be charged and the associated fee structure. The Commission should be empowered to adopt those implementing technical standards by means of implementing acts pursuant to Article 291 TFEU and in accordance with Article 15 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council<sup>1</sup>, No 1094/2010 of the European Parliament and of the Council<sup>2</sup> and No 1095/2010 of the European</p>

	Commission Proposal	EP Mandate	Council Mandate
	<p>Council<sup>3</sup>.</p> <p>1. Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).</p> <p>2. Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48).</p> <p>3. Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).</p>	<p>to adopt those implementing technical standards by means of implementing acts pursuant to Article 291 TFEU and in accordance with Article 15 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council<sup>1</sup>, No 1094/2010 of the European Parliament and of the Council<sup>2</sup> and No 1095/2010 of the European Parliament and of the Council<sup>3</sup>.</p> <p>1. Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).</p> <p>2. Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48).</p> <p>3. Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).</p>	<p>Parliament and of the Council<sup>3</sup>.</p> <p>1. Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).</p> <p>2. Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48).</p> <p>3. Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).</p>
27	<p>(18) The objective of this Regulation is to contribute to integrating the European financial services and capital markets by providing an easy centralised access to public information about entities and their products. Since that objective cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the</p>	<p>(18) The objective of this Regulation is to contribute to integrating the European financial services and capital markets by providing an easy centralised access to public information about entities and their products. Since that objective cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as</p>	<p>(18) The objective of this Regulation is to contribute to integrating the European financial services and capital markets by providing an easy centralised access to public information about entities and their products. Since that objective cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the</p>

	Commission Proposal	EP Mandate	Council Mandate
	Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,
27a			<u><i>(19) As ESAP is the first action in the new Capital Market Union adopted by the Commission on 24 September 2020 and as ESAP is a concrete realisation of the Commission Digital Finance Strategy, thus ESAP is a major project of common European interest. Therefore, the early phases of the project at EU level should be funded exclusively by EU budget at least until December 2027. The decision concerning the ESAP funding scheme after this date should be discussed in the appropriate budgetary instance when discussing the next multiannual financial framework. In that perspective, the possibility to set an incremental proportion of contributions from the national public authorities or a continuation of a full EU budget contribution to accompany the phase of development of the ESAP until the full completion of the platform should be assessed.</i></u>
28	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
29	Article 1 The European Single Access Point (ESAP)	Article 1 The European Single Access Point (ESAP)	Article 1 The European Single Access Point (ESAP)

	Commission Proposal	EP Mandate	Council Mandate
30	1. By 31 December 2024, the European Securities and Markets Authority (ESMA) shall establish and operate a European single access point ("ESAP") providing centralised electronic access to the following information:	1. By 31 December <del>2024</del> <u>2025</u> , the European Securities and Markets Authority (ESMA) shall establish and operate a European single access point ("ESAP") providing centralised electronic access to the following information:	1. By 31 December <del>2024</del> <u>2025</u> , the European Securities and Markets Authority (ESMA) shall establish and operate a European single access point ("ESAP") providing centralised electronic access to the following information:
31	(a) information to be made public pursuant to the relevant provisions in the directives and regulations listed in the Annex and pursuant to any further legally binding Union act which provides for centralised electronic access to information through ESAP;	(a) information <del>to be</del> made public pursuant to the relevant provisions in the directives and regulations listed in the Annex and pursuant to any further legally binding Union act which provides for centralised electronic access to information through ESAP;	(a) information <del>to be</del> made public pursuant to the relevant provisions in the directives and regulations listed in the Annex and pursuant to any further legally binding Union act which provides for centralised electronic access to information through ESAP;
32	(b) other information of relevance to financial services provided in the Union or to capital markets of the Union or concerning sustainability that entities wish to make accessible on ESAP on a voluntary basis about their economic activities in accordance with Article 3(1).	(b) other information of relevance to financial services provided in the Union or to capital markets of the Union or concerning sustainability <u>and workplace diversity and inclusion</u> that entities wish to make accessible on ESAP on a voluntary basis about their economic activities in accordance with Article 3(1).	(b) <del>other information of relevance to financial services provided</del> <u>the types of information referred to in the relevant provisions of the directives and regulations listed</u> in the <u>Annex and of any further legally binding</u> Union <del>or to capital markets of the Union or concerning sustainability that entities wish</del> <u>act that provides for centralised electronic access to information through ESAP, that any entity governed by the law of a Member State and out of the scope of these Union acts wishes</u> to make accessible on ESAP on a voluntary basis <del>about their economic activities</del> in accordance with Article 3(1).
33	2. ESAP shall not provide access to information submitted before 1 January 2024.	2. <u>If available</u> , ESAP shall <del>not</del> provide access to information submitted before 1 January <del>2024</del> <u>2025</u> .	2. ESAP shall not provide access to information submitted before <del>1 January 2024</del> <u>[36 months after entry into force]</u> .

	Commission Proposal	EP Mandate	Council Mandate
34	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions
35	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:
36	(1) ‘entity’ means any natural or legal person that is required to make information public pursuant to any of the legal acts referred to in Article 1(1), point (a), or any natural or legal person that submits to a collection body the information referred to in Article 1(1), point (b), on a voluntary basis in accordance with Article 3(1) for the information to be made accessible on ESAP;	(1) ‘entity’ means any natural or legal person that is required to make information public pursuant to any of the legal acts referred to in Article 1(1), point (a), or any natural or legal person that submits to a collection body the information referred to in Article 1(1), point (b), on a voluntary basis in accordance with Article 3(1) for the information to be made accessible on ESAP;	(1) ‘entity’ means any natural or legal person that <del>is required to make information public pursuant to any of the legal acts referred to in Article 1(1), point (a), or any natural or legal person that</del> submits to a collection body the information referred to in Article 1(1), point <del>(b), on a voluntary basis in accordance with Article 3(1)</del> <u>(a) and point (b)</u> for the information to be made accessible on ESAP;
37	(2) ‘collection body’ means any Union or national body or authority or register designated as such pursuant to any of the legal acts referred to in Article 1(1), point (a) or by the implementing technical standards referred to in Article 3(2);	(2) ‘collection body’ means any Union or national body or authority or register designated as such pursuant to any of the legal acts referred to in Article 1(1), point (a) or by <u>Member States in application of</u> the implementing technical standards referred to in Article 3(2);	(2) ‘collection body’ means any Union or national body or authority or register designated as such pursuant to any of the legal acts referred to in Article 1(1), point (a) or by <del>the implementing technical standards referred to in</del> <u>Member States in application of</u> Article <del>3(2); 3(1b)</del>
38	(3) ‘data extractable format’ means any electronic open format as defined in Article 2, point (14), of Directive (EU) 2019/1024 that is widely used or	(3) ‘data extractable format’ means any electronic open format as defined in Article 2, point (14), of Directive (EU) 2019/1024 that is	(3) ‘data extractable format’ means any electronic open format as defined in Article 2, point (14), of Directive (EU) 2019/1024 that is widely used or

	Commission Proposal	EP Mandate	Council Mandate
	required by law, that allows data extraction by a machine, and that is not only human-readable;	widely used or required by law, that allows data extraction by a machine, and that is not only human-readable;	required by law, that allows data extraction by a machine, and that is not only human-readable;
39	(4) ‘machine-readable format’ means a format as defined in Article 2, point (13), of Directive (EU) 2019/1024;	(4) ‘machine-readable format’ means a format as defined in Article 2, point (13), of Directive (EU) 2019/1024;	(4) ‘machine-readable format’ means a format as defined in Article 2, point (13), of Directive (EU) 2019/1024;
40	(5) ‘qualified electronic seal’ means a qualified electronic seal as defined in Article 3, point (27), of Regulation (EU) No 910/2014;	(5) ‘qualified electronic seal’ means a qualified electronic seal as defined in Article 3, point (27), of Regulation (EU) No 910/2014;	(5) ‘qualified electronic seal’ means a qualified electronic seal as defined in Article 3, point (27), of Regulation (EU) No 910/2014;
41	(6) ‘application programming interface’ (‘API’) means a set of functions, procedures, definitions and protocols for machine-to-machine communication and seamless exchange of data;	(6) ‘application programming interface’ (‘API’) means a set of functions, procedures, definitions and protocols for machine-to-machine communication and seamless exchange of data;	(6) ‘application programming interface’ (‘API’) means a set of functions, procedures, definitions and protocols for machine-to-machine communication and seamless exchange of data;
42	(7) ‘metadata’ means structured information that makes it easier to retrieve, use, or manage an information resource, including by describing, explaining, or locating that information resource.	(7) ‘metadata’ means structured information that makes it easier to retrieve, use, <a href="#">contextualise</a> or manage an information resource, including by describing, explaining, or locating that information resource.	(7) ‘metadata’ means structured information that makes it easier to retrieve, use, or manage an information resource, including by describing, explaining, or locating that information resource. 
42a		<a href="#">(7a) ‘personal data’ means personal data as defined in Article 4, point 1, of Regulation (EU) 2016/679.</a>	<a href="#">(8) ‘personal data’ means personal data as defined in Article 4, point (1) of Regulation (EU) 2016/679.</a>

	Commission Proposal	EP Mandate	Council Mandate
42b		<u>(7b) 'historical information' means the information referred to in Article 1(1), point (a), that was made public not more than five years before the date of application of the requirement to submit that information to ESAP.</u>	
43	Article 3 Voluntary submission of information for accessibility on ESAP	Article 3 Voluntary submission of information for accessibility on ESAP	Article 3 Voluntary submission of information for accessibility on ESAP
44	1. Any natural or legal person may submit to a collection body the information referred to in Article 1(1), point (b) to make that information accessible on ESAP. When submitting that information, the natural or legal person shall:	1. <del>Any natural or legal person</del> <u>From 1 January 2027, any entity</u> may submit to a collection body the information referred to in Article 1(1), point (b) to make that information accessible on ESAP <u>upon its establishment. Each Member State shall designate at least one collection body for the collection of information submitted on a voluntary basis. The substance and format of that information shall be of comparable value and reliability to that referred to in Article 1(1), point (a).</u> –When submitting that information, the <del>natural or legal person</del> <u>entity</u> shall:	1. <del>Any natural or legal person</del> <u>From 1 January 2029, any entity</u> may submit to <del>the</del> <u>a</u> collection body <u>designated pursuant to Article 3(1b) in the Member State where the entity has its registered office</u> the information referred to in Article 1(1), point (b) to make that information accessible on ESAP. When submitting that information, <del>the natural or legal person</del> <u>to a collection body, the entity</u> shall:
45	(a) provide the collection body with metadata about the information submitted;	(a) provide the collection body with <u>a minimum level of</u> metadata about the information submitted, <u>including metadata specifying the voluntary nature of the submission of such information</u> ;	(a) <del>provide the collection body with</del> <u>accompany the information with a</u> metadata <del>about</del> <u>specifying that</u> the information <del>submitted</del> <u>is made accessible on ESAP on a voluntary basis</u> ;

	Commission Proposal	EP Mandate	Council Mandate
46	(b) provide the collection body with its legal entity identifier as specified pursuant to Article 7(4);	(b) provide the collection body with its legal entity identifier as specified pursuant to Article 7(4);	(b) <del>provide the collection body with its legal entity identifier as specified pursuant to Article 7(4)</del> <u>accompany the information with a metadata specifying whether the information contains personal data</u> ;
47	(c) use a data extractable format for drawing up that information;	(c) use <u>at least</u> a data extractable format for drawing up that information;	(c) <del>use a data extractable format for drawing up that information</del> <u>accompany the information with the metadata necessary for the ESAP search function referred in Article 7(3) to function and, where relevant, more specific metadata as specified pursuant to Article 3(2), point (a)</u> ;
47a		<u>(ca) ensure that the information submitted falls within the scope of Article 1(1), point (b)</u> ;	
48	(d) ensure that no personal data are included, except where the personal data constitute a necessary element of the information about its economic activities.	(d) ensure that no personal data are included, except where the personal data <del>constitute</del> <u>data is required by Union or national law or constitutes</u> a necessary element of the information about its economic activities <u>and that data cannot be anonymised.</u>	(d) <del>ensure that no personal data are included, except where the personal data constitute a necessary element of the</del> <u>use at least a data extractable format for submitting drawing up that</u> information <del>about its economic activities.</del>
48a		<u>(da) ensure that the data submitted is accurate and complete.</u>	

	Commission Proposal	EP Mandate	Council Mandate
48b			<u>1a. Entities submitting information to a collection body on a voluntary basis shall ensure that:</u>
48c			<u>(a) no personal data are included in the information, except where the personal data is required by European Union or national law or constitutes a necessary element of the information about its economic activities;</u>
48d			<u>(ba) where the information contains personal data, the processing relies on one of the lawful grounds of processing listed in Article 6(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council. This Regulation does not create a legal basis for the processing of personal data by those entities;</u>
48e			<u>(bb) information falls within the scope defined in Article 1(1), point b;</u>
48f			<u>(d) the information is fair and accurate and disclosed in a clear and not misleading manner.</u>
48g		<u>1a. By 31 December 2026, Member States shall designate at least one collection body for the collection of information submitted on a</u>	<u>1b. By 31 December 2028 , each Member State shall designate at least one collection body for the collection of the information submitted on a</u>

	Commission Proposal	EP Mandate	Council Mandate
		<u>voluntary basis and notify ESMA thereof. Those collection bodies shall comply with Article 5.</u>	<u>voluntary basis, and notify ESMA thereof. These collection bodies should comply with the provisions of Article 5.</u>
49	2. The Joint Committee of the European Supervisory Authorities shall develop draft implementing technical standards to specify all of the following:	2. The Joint Committee of the European Supervisory Authorities shall develop draft implementing technical standards to specify all of the following:	2. The Joint Committee of the European Supervisory Authorities shall develop draft implementing technical standards to specify all of the following:
50	(a) the metadata to be provided about the information submitted;	(a) <del>the</del> <u>a minimum level of</u> metadata to be provided about the information submitted;	(a) the <u>specific</u> metadata to <del>be provided</del> <u>about</u> <u>accompany</u> the information submitted;
51	(b) the specific formats to be used for drawing up the information;	(b) the specific formats to be used for drawing up the information;	(b) <u>where applicable,</u> the specific formats <u>or templates</u> to be used for drawing up the information;
52	(c) the designation of collection bodies to which the information is submitted to.	<del>(c) the designation of collection bodies to which the information is submitted to.</del>	(c) <del>the designation of collection bodies to which the information is submitted to.</del> <u>deleted</u>
52a		<u>(ca) standards for the automatic identification of personal data;</u>	
52b		<u>(cb) the cases under which personal data can be included in voluntary submissions;</u>	

	Commission Proposal	EP Mandate	Council Mandate
52c		<u>(cc) the consequences of inaccurate or misleading information submissions.</u>	
52d			<u>When developing the implementing technical standards referred to in paragraph 1, the Joint Committee of the European Supervisory Authorities shall take into consideration the standards already existing in the corresponding sectorial legislation, and in particular the standards specifically designed for small and medium undertakings.</u>
53	The Joint Committee of the European Supervisory Authorities shall submit those draft implementing technical standards to the Commission by [PO: please insert three years after entry into force].	The Joint Committee of the European Supervisory Authorities shall submit those draft implementing technical standards to the Commission by <del>{PO: please insert three years after entry into force}</del> <u>30 June 2025.</u>	The Joint Committee of the European Supervisory Authorities shall submit those draft implementing technical standards to the Commission by <del>{PO: please insert three years after entry into force}</del> <u>30 June 2028.</u>
54	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010, (EU), Article 15 of Regulation (EU) No 1094/2010 and Article 15 of Regulation (EU) No 1095/2010.	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010, (EU), Article 15 of Regulation (EU) No 1094/2010 and Article 15 of Regulation (EU) No 1095/2010.	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010, (EU), Article 15 of Regulation (EU) No 1094/2010 and Article 15 of Regulation (EU) No 1095/2010.
54a		<u>2a. If necessary, the Joint Committee of the European Supervisory Authorities shall adopt</u>	

	Commission Proposal	EP Mandate	Council Mandate
		<u>guidance for entities to ensure the metadata submitted is relevant and draw upon existing technical standards when drafting implementing standards.</u>	
55	3. Where the information referred to in paragraph 1 contains personal data, entities shall ensure that the processing relies on one of the lawful grounds of processing listed in Article 6(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council. This Regulation does not create a legal basis for the processing of personal data by those entities.	3. Where the information referred to in paragraph 1 contains personal data, entities shall ensure that the processing <u>of such data</u> relies on one of the lawful grounds of processing listed in Article 6(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council. This Regulation does not create a legal basis for the processing of personal data by those entities.	3. <del>Where the information referred to in paragraph 1 contains personal data, entities shall ensure that the processing relies on one of the lawful grounds of processing listed in Article 6(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council. This Regulation does not create a legal basis for the processing of personal data by those entities.</del> <u>deleted</u>
56	Article 4 List of collection bodies	Article 4 List of collection bodies	Article 4 List of collection bodies
57	ESMA, on the web portal referred to in Article 7(1), point (a), shall publish a list of the collection bodies with information about the Uniform Resource Locator (URL) of each collection body.	ESMA, on the web portal referred to in Article 7(1), point (a), shall publish a list of the collection bodies with information about the Uniform Resource Locator (URL) of each collection body <u>on the web portal referred to in Article 7(1), point (a).</u>	ESMA, <del>on the web portal referred to in Article 7(1), point (a),</del> shall publish a list of the collection bodies with information about the Uniform Resource Locator (URL) of each collection body <u>on the web portal referred to in Article 7(1), point (a).</u>
58	ESMA shall ensure that the list referred to in the first subparagraph is kept up-to-date and shall notify the Commission of any changes to that list.	ESMA shall ensure that the list referred to in the first subparagraph is kept up-to-date and shall notify the Commission of any changes to that list.	ESMA shall ensure that the list referred to in the first subparagraph is kept up-to-date <del>and shall notify the Commission of any changes to that list.</del>

	Commission Proposal	EP Mandate	Council Mandate
59	Article 5 Tasks of the collection bodies	Article 5 Tasks of the collection bodies	Article 5 Tasks of the collection bodies <u>and submission obligations of entities</u>
60	1. The collection bodies shall:	1. The collection bodies shall:	1. The collection bodies shall:
61	(a) collect and store the information submitted by the entities;	(a) collect and store the information submitted by the entities;	(a) collect <del>and store</del> the information submitted by the entities;
61a			<u>(aa) store the information submitted by the entities or generated by the collection bodies themselves; where relevant they may rely on existing procedures and infrastructures in place for the storage of information;</u>
62	(b) perform automated validations on the information submitted to verify that the information complies with all of the following requirements:	(b) perform <u>technical</u> automated validations on the information submitted <u>by the entities</u> to verify that the information complies with all of the following requirements:	(b) perform automated validations on the information submitted <u>by entities</u> to verify that the information complies with all of the following requirements:
63	(i) the information has been submitted using a data extractable format or, where appropriate, the machine-readable format specified in any of the legal acts referred to in Article 1(1), point (a) pursuant to which the information is submitted or in the implementing technical standards referred to in	(i) the information has been submitted using <u>at least</u> a data extractable format or, where appropriate, the machine-readable format specified in any of the legal acts referred to in Article 1(1), point (a) pursuant to which the information is submitted or in the implementing	(i) the information has been submitted <u>at least</u> using a data extractable format or, where appropriate, the machine-readable format specified in any of the legal acts referred to in Article 1(1), point (a) pursuant to which the information is submitted <del>or in the implementing technical</del>

	Commission Proposal	EP Mandate	Council Mandate
	Article 3(2), point (b);	technical standards referred to in Article 3(2), point (b);	<del>standards referred to in Article 3(2), point (b);</del>
63a		<u>(ia) the information contains the appropriate level of authenticity as specified in the implementing technical standard referred to in Article 5(6), as well as the appropriate level of availability, integrity and proof of origin;</u>	
64	(ii) the metadata as specified pursuant to paragraph 6, point (d) is available and complete;	(ii) the metadata as specified pursuant to paragraph 6, point (d) is available and complete;	(ii) the metadata as specified pursuant to paragraph 6, point (d) <u>or Article 3(1) point (0a) and point (a)</u> is available and complete <del>;</del>
65	(iii) the information contains a qualified electronic seal;	(iii) the information contains a qualified electronic seal, <u>if available</u> ;	(iii) <del>the information contains a qualified electronic seal;</del> <u>deleted</u>
66	(c) ensure that the use and re-use of the information provided to ESAP is either not subject to any conditions, or is subject to open standard licences that are equivalent to the licencing terms referred to in Article 9;	(c) ensure that the use and re-use of the information provided to ESAP is either not subject to any conditions, or is subject to open standard licences that are equivalent to the licencing terms referred to in Article 9;	(c) <del>ensure that the use and re-use of the information provided to ESAP is either not subject to any conditions, or is subject to open standard licences that are equivalent to the licencing terms referred to in Article 9;</del> <u>deleted</u>
67	(d) implement the API and provide ESAP, for free and within the applicable time-limits, with the information, the metadata for that information and, where relevant, the qualified electronic seal;	(d) implement the API and provide ESAP, for free and within the applicable time-limits, with the information, the metadata for that information and, where relevant, the qualified electronic seal;	(d) implement the API, <u>together with ESAP</u> , and provide ESAP, for free and within the applicable time-limits, with the information, the metadata for that information <del>and, where relevant, the qualified electronic seal;</del> <u>;</u>

	Commission Proposal	EP Mandate	Council Mandate
68	(e) provide technical assistance to the entities submitting the information;	(e) provide technical assistance to the entities submitting the information <u>in relation to, at least, the submission, rejection and resubmission process</u> ;	(e) provide technical assistance to the entities submitting the information <u>in relation to at least the submission process and, where relevant, the rejection process and the resubmission process, provided this assistance lies within the scope of competence of the collection body</u> ;
69	(f) ensure that the information referred to in Article 1(1) remains available to ESAP for at least 10 years, unless stated otherwise in the legal acts referred to in Article 1(1), point (a). Personal data in the information submitted pursuant to Article 1(1) shall not be retained and made available for longer than 5 years, unless stated otherwise in the legal acts referred to in Article 1(1), point (a).	(f) ensure that the information referred to in Article 1(1) remains available to ESAP for at least 10 years, unless stated otherwise in the legal acts referred to in Article 1(1), point (a). <del>Personal data in the</del> <u>Where the metadata accompanying</u> information submitted pursuant to Article 1(1) <u>refers to or contains any personal data, such information</u> shall not be retained <u>for longer than necessary and in any case not be</u> <del>and</del> made available <u>on ESAP</u> for longer than 5 years, unless stated otherwise in the legal acts referred to in Article 1(1), point (a).	(f) <del>ensure that</del> <u>provide</u> the information referred to in Article 1(1) <u>in such a manner that it</u> remains <del>available to</del> <u>accessible on</u> ESAP for at least 10 years, unless stated otherwise in the legal acts referred to in Article 1(1), point (a). <u>Where the metadata accompanying the submitted information refers to any</u> personal data <del>in</del> the information <del>submitted pursuant to Article 1(1) that</del> <u>includes personal data</u> shall not be retained <del>and for the purpose of being made available on ESAP nor be</del> made available <u>to ESAP</u> for longer than 5 years, unless stated otherwise in the legal acts referred to in Article 1(1), point (a).
70	For the purposes of point (f), the collection bodies shall take appropriate technical and organisational measures to ensure that the information is not retained or made available for longer than provided for in that point (f).	For the purposes of point (f), <u>and in accordance with Regulations (EU) 2016/679 and (EU) 2018/1725</u> , the collection bodies shall take appropriate technical and organisational measures to ensure that the information is not retained or made available for longer than provided for in that point (f).	For the purposes of point (f), <u>and to ensure compliance with Regulation (EU) 2016/679 and/or Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>1</sup>, as applicable</u> , the collection bodies shall <u>verify the specific period for which each piece of information submitted in application of Article 1(1) is to be retained and made available to ESAP, and</u> take appropriate technical and organisational measures to ensure that

	Commission Proposal	EP Mandate	Council Mandate
			<p>the information is <del>not</del> retained <del>or made available for longer than provided for</del> <u>and made accessible on ESAP for that specific period</u></p> <p><u>2. Collection bodies shall reject the information submitted by entities where the automated validations referred to in paragraph 1, point (b), reveal that the information does not comply with the requirements laid down in that point <del>(b)</del> or, where relevant, on the basis of notifications received pursuant to Article 10(2).</u></p> <p><u>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</u></p>
70a		<u>(fa) remove any information that is notified to the collection body as being false or containing errors.</u>	
71	2. Collection bodies shall reject information submitted by entities in each of the following cases:	2. Collection bodies shall reject information submitted by entities in each of the following cases:	2. Collection bodies <del>shall</del> <u>may</u> reject information submitted by entities <del>in each</del> <u>where the information is manifestly inappropriate, abusive, or outside the scope of the following cases: information referred to in Article 1(1).</u>
72	(a) where the automated validations referred to in paragraph 1, point (b), reveal that the information	(a) where the automated validations referred to in paragraph 1, point (b), reveal that the	(a) <del>where the automated validations referred to in paragraph 1, point (b), reveal that the information</del>

	Commission Proposal	EP Mandate	Council Mandate
	does not comply with the requirements laid down in that point (b);	information does not comply with the requirements laid down in that point (b) <u>or on the basis of notifications received in accordance with Article 10(2);</u>	<del>does not comply with the requirements laid down in that point (b);</del> <u>deleted</u>
73	(b) where the information is manifestly inappropriate, abusive, or clearly outside the scope of the information referred to in Article 1(1).	(b) where the information is <del>manifestly</del> inappropriate, abusive, or <del>clearly</del> outside the scope of the information referred to in Article 1(1).	(b) <del>where the information is manifestly inappropriate, abusive, or clearly outside the scope of the information referred to in Article 1(1).</del> <u>deleted</u>
73a		<u>Collection bodies shall notify the entities of the rejection and the reasons thereof within a reasonable timeframe.</u>	<u>2b. In case the information submitted by an entity is rejected by the collection body the entities shall correct and resubmit the information without undue delay, where relevant.</u>
74	3. Entities may submit information referred to in Article 1(1), point (a) only once to either one of the relevant collection bodies.	3. <u>Where the information submitted by an entity is rejected by the collection body, that entity shall correct and resubmit the information without undue delay. The collection body shall notify ESMA if information is removed or replaced. Users that have downloaded information that is subsequently removed or replaced shall be notified of this.</u> Entities may submit information referred to in Article 1(1), point (a) only once to either one of the relevant collection bodies.	3. Entities may submit information <del>referred to in Article 1(1), point (a) only once to either one of the relevant collection bodies</del> <u>only once to either one of the relevant collection bodies for the purpose of making the information available on ESAP. Where subsequent submissions are necessary, the re-submission of the modified information and accompanying metadata should be submitted to the same collection body and the modified information shall clearly specify the changes or supplementary information made in comparison to the first version submitted.</u>
75	4. Entities shall ensure the accuracy of the	4.	4. Entities shall <del>ensure the</del> <u>be held responsible for</u>

	Commission Proposal	EP Mandate	Council Mandate
	information they submit to the collection bodies.	Entities <u>subject to mandatory reporting</u> shall <u>be responsible for ensuring the accuracy of the information submitted pursuant to their legal obligations under the applicable Union legislative acts listed in the Annex to this Regulation or under national law and assume responsibility for the accuracy, completeness and reliability of the information that they submit to the collection bodies, as well as for the accompanying metadata. Entities shall also</u> ensure the accuracy of the information they submit to the collection bodies <u>on a voluntary basis</u> .	<u>the quality, completeness and</u> accuracy of the information <u>in the language it is submitted and for the metadata</u> they submit to the collection bodies.  <u>In particular, entities shall be responsible for the identification of the inclusion of personal data in the information they submit to the collection body with a specific metadata indicating whether the information contains personal data.</u>
76	<p>5. As regards the information falling under this Regulation, the collection bodies shall not exercise the right of the maker of a database, referred to in Article 7(1) of Directive 96/9/EC of the European Parliament and of the Council<sup>1</sup>, to prevent or restrict the re-use of the contents of the database or to restrict re-use of those contents.</p> <p><sup>1</sup>. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).</p>	<p>5. As regards the information falling under this Regulation, the collection bodies shall not exercise the right of the maker of a database, referred to in Article 7(1) of Directive 96/9/EC of the European Parliament and of the Council<sup>1</sup>, <del>to prevent or restrict the</del> <u>or any other intellectual property rights in a way that prevents or restricts the use and</u> re-use of the contents of the database <del>or to restrict re-use of those contents</del> <u>pursuant to Article 9 of this Regulation</u>.</p> <p><sup>1</sup>. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).</p>	<p>5. As regards the information falling under this Regulation, the collection bodies shall not exercise the right of the maker of a database, referred to in Article 7(1) of Directive 96/9/EC of the European Parliament and of the Council<sup>1</sup>, <del>to prevent or restrict</del> <u>for any other intellectual property rights in a way that prevents or restricts the use and</u> the re-use of the contents of the database <del>or to restrict re-use of those contents</del> <u>pursuant to Article 9</u>.</p> <p><sup>1</sup>. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).</p>
76a			<u>5a. Collection bodies may delegate the tasks referred to in paragraphs 1, 2 and 2a. Any delegation of tasks shall take the form of a</u>


	Commission Proposal	EP Mandate	Council Mandate
			<p><u>delegated agreement specifying the tasks to be performed. The collection body shall ensure that the third party has no conflicts of interest, and shall not use improperly or in an anti-competitive manner the information obtained.</u></p> <p><u>The delegatee shall not use this information for another purpose than the one stated in the delegated agreement, and shall ensure the same level of protection for this information as the level ensured by the collection body.</u></p> <p><u>Collection bodies shall remain responsible for carrying-out the tasks referred to in paragraphs 1, 2 and 2a.</u></p> <p><u>Collection bodies shall notify ESMA of any agreement entered into with regard to the delegation of tasks, including the precise conditions for regulating the delegations.</u></p>
76b			<p><u>5b. Collection bodies shall ensure appropriate levels of authenticity, availability, integrity and non-repudiation of the information submitted by entities to be made accessible on ESAP. Member States may provide that these obligations are met in case a collection body requires information submitted by entities to be accompanied by a qualified electronic seal.</u></p>
77	6. The Joint Committee of the European Supervisory Authorities shall develop draft implementing technical standards specifying all of	6. The Joint Committee of the European Supervisory Authorities shall develop draft	6. The Joint Committee of the European Supervisory Authorities shall develop draft implementing technical standards specifying all of

	Commission Proposal	EP Mandate	Council Mandate
	the following:	implementing technical standards specifying all of the following:	the following:
78	(a) how the automated validations referred to in paragraph 1, point (b), are to be performed for each type of information submitted by entities;	(a) how the automated validations referred to in paragraph 1, point (b), are to be performed for each type of information submitted by entities;	(a) how the automated validations referred to in paragraph 1, point (b), are to be performed for each type of information submitted by entities;
79	(b) the characteristics of the qualified electronic seal referred to in paragraph 1, point (b)(iii);	(b) the characteristics of the qualified electronic seal referred to in paragraph 1, point (b)(iii);	(b) the characteristics of the qualified electronic seal referred to in paragraph <del>1, point (b)(iii)</del> <u>5b</u> ;
80	(c) the open standard licences referred to in paragraph 1, point (c);	(c) the open standard licences referred to in paragraph 1, point (c);	(c) <del>the open standard licences referred to in paragraph 1, point (c);</del> <u>deleted</u>
81	(d) the characteristics of the API to be implemented pursuant to paragraph 1, point (d), and the metadata referred to in that point;	(d) the characteristics of the API to be implemented pursuant to paragraph 1, point (d), and the metadata referred to in that point;	(d) the characteristics of the API to be implemented pursuant to paragraph 1, point (d), <del>and the metadata referred to in that point;</del>
81a			<u>(da) the metadata necessary for the ESAP search function referred in Article 7(3) to function and that is referred to in paragraph 1, point (d);</u>
82	(e) the time limits referred to in paragraph 1, point (d).	(e) the time limits referred to in paragraph 1, point (d).	(e) the time limits referred to in paragraph 1, point (d); <del>i</del>
82a			

	Commission Proposal	EP Mandate	Council Mandate
			<u>(f) the list and characteristics of formats that are acceptable as data extractable formats and as machine readable formats as referred to in paragraph 1, point (b)(i).</u>
83	The Joint Committee shall submit those draft implementing technical standards to the Commission as regards points (b), (c) and (d) by [PO: please insert one year after entry into force] and as regards points (a) and (e) by [PO: please insert two years after entry into force].	<u>6.</u> The Joint Committee shall submit those draft implementing technical standards to the Commission as regards points (b), (c) and (d) by [PO: please insert one year after entry into force] and as regards points (a) and (e) by [PO: please insert two years after entry into force].	The Joint Committee shall submit those draft implementing technical standards to the Commission as regards points <u>(a), (b), (da), and (f)(b), (c) and (d)</u> by [PO: please insert <u>one year after entry into force</u> <del>one year after entry into force</del> ] and as regards points <del>(a)(c) (d)</del> and (e) by [PO: please insert <u>two years after entry into force</u> <del>two years after entry into force</del> ].
84	Power is conferred to the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010.	Power is conferred to the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010.	Power is conferred to the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulations (EU) No 1093/2010, (EU) No 1094/2010 and (EU) No 1095/2010.
84a		<u>(ea) a list of formats that are acceptable as data extractable formats and as machine-readable formats in accordance with paragraph 1, point (b)(i).</u>	.
84b		<u>6a. When developing draft implementing technical standards referred to in paragraph 6, the Joint Committee of the European Supervisory Authorities shall take into</u>	

	Commission Proposal	EP Mandate	Council Mandate
		<u>consideration the standards already existing in the corresponding sectoral legislation, and in particular the standards specifically designed for small and medium-sized undertakings.</u>	
84c		<u>6b. Collection bodies that are Union bodies, authorities or registers may provide ESAP with historical information. That information shall be prepared in a data extractable format and be accompanied by metadata specifying the names of the entity, the type of information as classified pursuant to Article 7(4), and, where available, the legal entity identifier of the entity as specified pursuant to Article 7(4), and specifying that this information is historical information. By way of derogation from Article 5(1), point (f), historical information provided to ESAP shall not be made available for longer than five years.</u>	
84d			<u>When drafting implementing technical standards, the Joint Committee of European Supervisory Authorities shall consult with the collection bodies in advance and analyze, in particular, the potential related costs and benefits.</u>
84e			<u>7. Collection bodies shall inform ESMA of substantial practical difficulties identified in relation to the implementation of the provisions of Article 5.</u>

	Commission Proposal	EP Mandate	Council Mandate
85	Article 6 Cybersecurity	Article 6 Cybersecurity	Article 6 Cybersecurity
86	ESMA shall put in place an effective and proportionate IT security policy for ESAP and shall ensure appropriate levels of authenticity, availability, integrity and non-repudiation of the information made accessible on ESAP and of the protection of personal data.	ESMA shall put in place an effective and proportionate IT security policy for ESAP and shall ensure appropriate levels of authenticity, availability, integrity and non-repudiation of the information made accessible on ESAP and of the protection of personal data. <u>ESMA may carry out periodic reviews of the IT security policy and the cybersecurity situation of ESAP in consideration of evolving Union and international cybersecurity trends and latest developments.</u>	ESMA shall put in place an effective and proportionate IT security policy for ESAP and shall ensure appropriate levels of authenticity, availability, integrity and non-repudiation of the information made accessible on ESAP and of the protection of personal data. <u>This policy should be periodically reviewed to take into consideration most recent European and international cybersecurity standards.</u>
87	Article 7 Functionalities of ESAP	Article 7 Functionalities of ESAP	Article 7 Functionalities of ESAP
88	1. ESMA shall ensure that ESAP provides at least for the following functionalities:	1. ESMA shall ensure that ESAP provides at least for the following functionalities:	1. ESMA shall ensure that ESAP provides at least for the following functionalities:
89	(a) a web portal with a user-friendly interface in all the official languages of the Union to provide access to the information in ESAP;	(a) a web portal with a user-friendly interface, <u>taking account of individuals with disabilities and access needs</u> , in all the official languages of the Union to provide access to the information in ESAP;	(a) a web portal with a user-friendly interface in all the official languages of the Union to provide access to the information in ESAP;

	Commission Proposal	EP Mandate	Council Mandate
90	(b) an API enabling easy access to the information in ESAP;	(b) an API enabling easy access to the information in ESAP;	(b) an API enabling easy access to the information in ESAP;
91	(c) a search function in all the official languages of the Union;	(c) a search function in all the official languages of the Union;	(c) a search function in all the official languages of the Union;
92	(d) an information viewer;	(d) an information viewer;	(d) an information viewer;
93	(e) a machine translation service for the information retrieved;	(e) a machine translation service for the information retrieved;	(e) a machine translation service for the information retrieved;
94	(f) a download service, including for the download of large quantities of data;	(f) a download service, including for the download of large quantities of data;	(f) a download service, including for the download of large quantities of data;
95	(g) a notification service informing users of any new information in ESAP.	(g) a notification service informing users of any new information in ESAP.	(g) a notification service informing users of any new information in ESAP. 
95a			<u><i>(h) where information is submitted on a voluntarily basis in ESAP, it shall be presented in such a manner that it can be clearly distinguished from mandatory information pursuant to Article 1 (1), point (a). Where applicable, it shall also contain an indication that it does not necessarily meet all the requirements of the information submitted on a mandatory basis and will not</i></u>

	Commission Proposal	EP Mandate	Council Mandate
			<u>necessarily be updated over time.</u>
95b		<u>1a. ESMA shall put in place appropriate technical and organisational measures to avoid excessive disclosure of personal data via the API or download reservice referred to in paragraph 1, points (b) and (f).</u>	
96	2. ESMA shall ensure that ESAP provides for the functionalities referred to in paragraph 1, points (e) and (g) by 31 December 2025.	2. ESMA shall ensure that ESAP provides for the functionalities referred to in paragraph 1, points (e) and (g) by 31 December <del>2025</del> 2026.	2. ESMA shall ensure that ESAP provides for the functionalities referred to in paragraph 1, points (e) and (g) by 31 December <del>2025</del> 2026. <u>ESMA shall ensure that ESAP provides for the functionalities referred to in paragraph 1, point (h) by 31 December 2029.</u>
97	3. The search function referred to in paragraph 1, point (c), shall allow for a search on the basis of the following metadata:	3. The search function referred to in paragraph 1, point (c), shall allow for a search on the basis of the following metadata:	3. The search function referred to in paragraph 1, point (c), shall allow for a search on the basis of the following metadata:
98	(a) the names of the entity that submitted the information;	(a) the names of the entity that submitted the information <u>and to which the information relates</u> ;	(a) the names of the entity <del>that submitted the</del> <u>to which the submitted</u> information <u>relates</u> ;
99	(b) the legal entity identifier of the entity that submitted the information;	(b) the legal entity identifier of the entity that submitted the information <u>and, where applicable, the legal entity identifier of its subsidiaries</u> ;	(b) <u>where applicable</u> , the legal entity identifier of the entity <del>that submitted the</del> <u>to which the submitted</u> information <u>relates</u> ;

	Commission Proposal	EP Mandate	Council Mandate
100	(c) the type of information submitted by the entity that submitted the information;	(c) the type of information, <u>as provided for in Article 1(1) and including information on sustainability where applicable</u> , submitted by the entity <del>that submitted the</del> <u>and the mandatory or voluntary nature of the submission of such</u> information;	(c) the type of information submitted by the entity, <u>in reference to the Union acts identified in Article 1(1) in relation to which</u> <del>that submitted the</del> <u>information is submitted either on a mandatory or on a voluntary basis</u> ;
100a			<u>(ca) the mandatory or voluntary basis of the submission in accordance with Article 1(1);</u>
101	(d) the year and month in which the information was submitted by the entity that submitted the information;	(d) the <del>year and month in</del> <u>date on</u> which the information was submitted by the entity <del>that submitted the information</del> <u>to the collection body</u> ;	(d) the <del>year and month</del> <u>date and time</u> in which the information was submitted <del>by the entity that submitted the information</del> <u>to the collection body by the entity</u> ;
101a			<u>(da) the date or period to which the information relates;</u>
102	(e) the size of the entity that submitted the information;	(e) the size of the entity <u>by category</u> that submitted the information <u>and to which the information relates</u> ;	(e) the <del>size</del> <u>size-category</u> of the entity <del>that submitted the</del> <u>to which the submitted</u> information <u>relates</u> ;
102a		<u>(ea) the country of establishment of the entity;</u>	

	Commission Proposal	EP Mandate	Council Mandate
102b		<u>(eb) the industry sector(s) of the entity's economic activities;</u>	
103	(f) the source of the information submitted.	(f) the source of the information submitted.	(f) the <del>source</del> <u>collection body responsible for the collection</u> of the information <del>submitted.</del> ;
103a			<u>(g) where appropriate, the country in which the entity has its registered office;</u>
103b		<u>(fa) the original language in which the information was submitted by the entity;</u>	<u>(h) the language of the submitted information.</u>
104	4. The Joint Committee of the European Supervisory Authorities shall develop draft implementing technical standards specifying all of the following:	4. The Joint Committee of the European Supervisory Authorities shall develop draft implementing technical standards specifying all of the following:	4. The Joint Committee of the European Supervisory Authorities shall develop draft implementing technical standards specifying all of the following:
105	(a) the characteristics of the API referred to in paragraph 1, point (b);	(a) the characteristics of the API referred to in paragraph 1, point (b);	(a) the characteristics of the API referred to in paragraph 1, point (b);
106	(b) the specific legal entity identifier referred to in paragraph 3, point (b);	(b) the specific legal entity identifier referred to in paragraph 3, point (b);	(b) the specific legal entity identifier referred to in paragraph 3, point (b);
107			

	Commission Proposal	EP Mandate	Council Mandate
	(c) a classification of the types of information referred to in paragraph 3, point (c);	(c) a classification of the types of information referred to in paragraph 3, point (c);	(c) a classification of the types of information referred to in paragraph 3, point (c);
108	(d) the categories of the size of the entities referred to in paragraph 3, point (e).	(d) the categories of the size of the entities referred to in paragraph 3, point (e).	(d) the categories of the size of the entities referred to in paragraph 3, point (e).
109	The Joint Committee of the European Supervisory Authorities shall submit those draft implementing technical standards to the Commission by [PO: please insert one year after entry into force].	The Joint Committee of the European Supervisory Authorities shall submit those draft implementing technical standards to the Commission by [PO: please insert one year after entry into force].	The Joint Committee of the European Supervisory Authorities shall submit those draft implementing technical standards to the Commission by [PO: please insert <u>one year after entry into force</u> <del>one year after entry into force</del> ].
110	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010, (EU), Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010, (EU), Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.	Power is conferred on the Commission to adopt the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1093/2010, (EU), Regulation (EU) No 1094/2010 and Regulation (EU) No 1095/2010.
110a		<u><b>4a. The Joint Committee of the European Supervisory Authorities shall consult with the European Financial Reporting Advisory Group (EFRAG) on the development of the draft implementing technical standards referred to in paragraph 4 for the purposes of defining requirements for the accessibility formats of sustainability information.</b></u>	

	Commission Proposal	EP Mandate	Council Mandate
111	Article 8 Access to information available on ESAP	Article 8 Access to information available on ESAP	Article 8 Access to information available on ESAP
112	1. ESMA shall ensure that access to ESAP is provided without discrimination.	1. <u>In order to promote transparency and the smooth functioning of Union capital markets,</u> ESMA shall ensure that access to ESAP is provided without discrimination.	1. ESMA shall ensure that access to ESAP is provided without discrimination.
112a		<u>1a. When establishing ESAP, ESMA may require all users to complete a digital declaration specifying whether they intend to use any of the services referred to in paragraph 2 in respect of which ESMA is able to charge fees.</u>	
113	2. ESMA shall ensure that anyone has direct and immediate access free of charge to the information available on ESAP.	2. ESMA shall ensure that anyone has direct and immediate access free of charge to the information available on ESAP.	2. ESMA shall ensure that anyone has direct and immediate access free of charge to the information available on ESAP.
114	ESMA may, however, charge fees for specific services that involve searches for a very large volume of information or for frequently updated information. Those fees shall not exceed the cost incurred by ESMA for the provision of the service.	ESMA may, however, charge fees for specific services <u>having high maintenance or support costs, or</u> that involve searches for <del>a very</del> <u>and downloads of</u> large <del>volume</del> <u>volumes</u> of information, <u>in particular if such information is of commercial relevance, and for the re-use of data or for frequently updated information.</u> Those fees shall <u>be kept to a minimum and, in any case,</u> not exceed the <u>direct</u> cost incurred by	ESMA <del>may</del> <u>shall</u> , however, charge fees for specific services that involve <del>searches for</del> <u>downloads of</u> a very large volume of information or for <del>frequently updated information</del> <u>high frequency requests for access to information</u> . Those fees shall not exceed the cost incurred by ESMA for the provision of the service.

	Commission Proposal	EP Mandate	Council Mandate
		ESMA for the provision of the service. <u><i>The relevant revenue shall be allocated to contributing to the overall functioning of ESAP. Retail investors, academia, social partners, civil society organisations and public bodies shall not be subject to fees. Other circumstances where fees shall not apply include the use of information provided on ESAP by entities in the course of the fulfilment of their regulatory obligations.</i></u>	
115	3. Notwithstanding paragraph 2, second subparagraph, ESMA shall allow all of the following entities to have direct and immediate access to ESAP free of charge to the extent necessary for those entities to fulfil their respective responsibilities, mandates and obligations:	3. Notwithstanding paragraph 2, second subparagraph, ESMA shall allow all of the following entities to have direct and immediate access to ESAP free of charge to the extent necessary for those entities to fulfil their respective responsibilities, mandates and obligations:	3. Notwithstanding paragraph 2, second subparagraph, ESMA shall allow all of the following entities to have direct and immediate access to ESAP free of charge to the extent necessary for those entities to fulfil their respective responsibilities, mandates and obligations:
116	(a) any Union institution, agency or other Union body;	(a) any Union institution, agency or other Union body;	(a) any Union institution, agency or other Union body;
117	(b) any national competent authority designated by a Member State pursuant to the legal acts referred to in Article 1(1), point (a);	(b) any national competent authority designated by a Member State pursuant to the legal acts referred to in Article 1(1), point (a);	(b) any national competent authority designated by a Member State pursuant to the legal acts referred to in Article 1(1), point (a);
118	(c) any member of the European Statistical System as defined in Article 4 of Regulation (EC) No 223/2009 of the European Parliament and of the	(c) any member of the European Statistical System as defined in Article 4 of Regulation (EC) No 223/2009 of the European Parliament	(c) any member of the European Statistical System as defined in Article 4 of Regulation (EC) No 223/2009 of the European Parliament and of the

	Commission Proposal	EP Mandate	Council Mandate
	<p>Council<sup>1</sup>;</p> <p>1. Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).</p>	<p>and of the Council<sup>1</sup>;</p> <p>1. Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).</p>	<p>Council<sup>1</sup>;</p> <p>1. Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).</p>
119	(d) any member of the European System of Central Banks;	(d) any member of the European System of Central Banks;	(d) any member of the European System of Central Banks;
120	<p>(e) the resolution authorities designated under Article 3 of Directive 2014/59/EU of the European Parliament and the Council<sup>1</sup>.</p> <p>1. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).</p>	<p>(e) the resolution authorities designated under Article 3 of Directive 2014/59/EU of the European Parliament and the Council<sup>1</sup>.</p> <p>1. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).</p>	<p>(e) the resolution authorities designated under Article 3 of Directive 2014/59/EU of the European Parliament and the Council<sup>1</sup>.</p> <p>1. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190).</p>
120a		<u><i>(ea) any Member State government institution, body, or agency;</i></u>	

	Commission Proposal	EP Mandate	Council Mandate
120b		<i><u>(eb) any educational and training establishment for the sole purposes of teaching and empirical or theoretical research, academia, news organisations and non-governmental organisations insofar as access to the data is necessary in the performance of their work.</u></i>	
120c			<i><u>3a. Notwithstanding paragraph 2, second subparagraph, ESMA shall allow any person to have direct and immediate access to ESAP free of charge for the purposes of illustration for teaching, as long as the source is indicated provided that such use is for non-commercial purpose and takes place under the responsibility of an educational establishment.</u></i>
121	4. For the purposes of paragraph 2, second subparagraph, ESMA may develop draft implementing technical standards to determine the nature and extent of the specific services for which fees may be charged and to determine the associated fee structure.	4. For the purposes of paragraph 2, second subparagraph, ESMA <del>may</del> <u>shall</u> develop draft implementing technical standards to determine the nature and extent of the specific services for which fees may be charged <u>to commercial users</u> and to determine the associated fee structure.	4. For the purposes of paragraph 2, second subparagraph, ESMA <del>may</del> <u>shall</u> develop draft implementing technical standards to determine the nature and extent of the specific services for which fees may be charged and to determine the associated fee structure.
122	ESMA shall submit those draft implementing technical standards to the Commission.	ESMA shall submit those draft implementing technical standards to the Commission.	ESMA shall submit those draft implementing technical standards to the Commission.
123	Power is conferred on the Commission to adopt the	Power is conferred on the Commission to adopt	Power is conferred on the Commission to adopt the

	Commission Proposal	EP Mandate	Council Mandate
	implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1095/2010.	the implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1095/2010.	implementing technical standards referred to in the first subparagraph in accordance with Article 15 of Regulation (EU) No 1095/2010.
123a		<u><i>4a. If ESMA decides to charge fees to certain users of ESAP or for certain services of ESAP, it shall publish and make easily accessible on the ESAP website the fee structure, the volume thresholds, if relevant, and rate, and review the rate and thresholds on an annual basis.</i></u>	
124	Article 9 Use and re-use of information accessible on ESAP	Article 9 Use and re-use of information accessible on ESAP	Article 9 Use and re-use of information accessible on ESAP
124a		<u><i>Neither ESMA nor collection bodies shall bear any liability for the use and re-use of information made available by entities and accessible on ESAP.</i></u>	
124b		<u><i>Personal data from ESAP shall be used or re-used in accordance with Regulation (EU) 2016/679. Any personal data that is re-used shall not be retained for longer than necessary and in any case for no longer than five years, unless otherwise provided for in the legislative acts referred to in Article 1(1), point (a) of this Regulation.</i></u>	

	Commission Proposal	EP Mandate	Council Mandate
125	ESMA shall ensure that the use and re-use of the information accessible on ESAP does not infringe sui generis database rights pursuant to Article 7(1) of Directive 96/9/EC and is not subject to any conditions unless those conditions fulfil all of the following requirements:	ESMA shall ensure that the use and re-use of the information accessible on ESAP does not infringe sui generis database rights pursuant to Article 7(1) of Directive 96/9/EC and is not subject to any conditions unless those conditions fulfil all of the following requirements:	<del>Ia. ESMA shall ensure that</del> The use and re-use of the information <u>made</u> accessible on ESAP <del>does not infringe sui generis database rights pursuant to Article 7(1) of Directive 96/9/EC and is not</del> <u>shall not be</u> subject to <del>any</del> conditions <del>unless those conditions fulfil all of the following requirements:</del> .
126	(a) the conditions are objective and non-discriminatory;	(a) the conditions are objective and non-discriminatory;	<del>(a) Ib.</del> The <del>conditions are objective and non-discriminatory;</del> <u>use and re-use of the information made accessible on ESAP shall not be limited by entities submitting their information for publication, on the basis of copyright, sui generis database rights pursuant to Article 7(1) of Directive 96/9/EC or any other intellectual property right.</u>
127	(b) the conditions are justified on grounds of a public interest objective;	(b) the conditions are justified on grounds of a public interest objective;	<del>(b) Ic.</del> <u>By way of derogation from paragraph 1, ESMA may only make the use and re-use of the information accessible on ESAP subject to a standard licence within the meaning of Article 2(5) of Directive (EU) 2019/1024, provided that such licence allows for the free use, modification and sharing of that information by anyone and for any purpose, and that any <del>the</del> conditions for use and re-use therein are objective, non-discriminatory, and <del>are</del> justified on grounds of a public interest objective;</u>
128	(c) the conditions correspond to conditions laid down in open standard licences within the meaning	(c) the conditions correspond to conditions laid down in open standard licences within the	<del>(c) Id.</del> <u>the conditions correspond to conditions laid down in open standard licences within the meaning</u>

	Commission Proposal	EP Mandate	Council Mandate
	of Article 2(5) of Directive (EU) 2019/1024, allowing free use, modification and sharing of that information by anyone and for any purpose.	meaning of Article 2(5) of Directive (EU) 2019/1024, allowing free use, modification and sharing of that information by anyone and for any purpose.	<del>of Article 2(5) of Directive (EU) 2019/1024, allowing free use, modification and sharing of that</del> <u>ESMA nor collection bodies shall be responsible nor liable for the use and re-use of information by anyone and for any purpose accessible on ESAP.</u>
129	Article 10 Quality of the information	Article 10 Quality of the information	Article 10 Quality of the information
130	1. ESMA shall perform automated validations to verify compliance of the information submitted by the collection bodies with the requirements laid down in Article 5(1), point (b).	1. ESMA shall <u>ensure that ESAP performs periodic</u> perform automated validations to verify compliance of the information <del>submitted</del> <u>provided</u> by the collection bodies <del>with</del> <u>as submitted by entities, under</u> the requirements laid down in Article 5(1), point (b).	<del>1.</del> ESMA shall perform automated validations to verify compliance of the information <del>submitted</del> <u>provided</u> by the collection bodies with the requirements laid down in Article 5(1), point (b).
130a			<u>Where the information provided by the collection body was submitted by an entity, the automated validations performed by ESMA shall be made on a sample basis and shall not differ from those carried-out by collection bodies pursuant to Article 5(1), point (b).</u>
131	2. ESMA shall implement appropriate technical processes to automatically notify a collection body that the information submitted does not comply with the requirements laid down in Article 5(1), point (b).	2. ESMA shall implement appropriate technical processes to automatically notify a collection body that the information <del>submitted</del> <u>provided</u> does not comply with the requirements laid	2. ESMA shall implement appropriate technical processes to automatically notify a collection body that the information submitted does not comply with the requirements laid down in Article 5(1),

	Commission Proposal	EP Mandate	Council Mandate
		down in Article 5(1), point (b). <u>In cases of non-compliance with those requirements, responsibility for the information contained in ESAP shall lie with the reporting entities. The collection body shall notify the submitting entity of the rejection of information and the reasons therefor in accordance with Article 2(2), second subparagraph.</u>	point (b).
131a		<u>2a. ESMA shall apply procedures to verify the completeness and accuracy of the information submitted by the collection bodies. ESMA may also perform additional data quality, integrity, and proof of origin checks, and may notify and suspend publication of information depending on the results of those checks.</u>	
132	Article 11 Tasks of ESMA	Article 11 Tasks of ESMA	Article 11 Tasks of ESMA
133	1. ESMA shall, in close cooperation with the European Banking Authority (EBA) and the European Insurance and Occupational Pensions Authority (EIOPA):	1. ESMA shall, in close cooperation with the European Banking Authority (EBA) and the European Insurance and Occupational Pensions Authority (EIOPA):	1. ESMA shall, in close cooperation with the European Banking Authority (EBA) and the European Insurance and Occupational Pensions Authority (EIOPA):
134	(a) ensure that the information received by the collection bodies is made available on ESAP in a timely manner;	(a) ensure that the information received by the collection bodies, <u>following submission by the entities</u> , is made available on ESAP in a timely manner;	(a) ensure that the information <del>received</del> <u>provided</u> by the collection bodies is made <del>available on ESAP in a timely manner</del> <u>accessible without undue delay on ESAP</u> ;

	Commission Proposal	EP Mandate	Council Mandate
134a		<u>(aa) ensure that the information made available on the ESAP is complete and accurate;</u>	
135	(b) provide service support to collection bodies;	(b) provide service support to collection bodies;	(b) provide service support to collection bodies;
136	(c) ensure that ESAP is accessible at least 95% of the time per month;	(c) ensure that ESAP is accessible at least <del>95%</del> 97% of the time per month, <u>not including cases of scheduled maintenance, content updates and page upgrades, in which cases a clear notice shall be given to users indicating the likely duration of the interruption of services provided by ESAP;</u>	(c) ensure that ESAP is accessible at least 95% of the time per month;
137	(d) consult as appropriate with the collection bodies to address common issues and common principles of conduct, and in particular to discuss:	(d) consult as appropriate with the collection bodies to address common issues and common principles of conduct, and in particular to discuss:	(d) consult as appropriate with the collection bodies to address common issues and common principles of conduct, and in particular to discuss:
138	(i) the daily management of ESAP;	(i) the daily management of ESAP;	(i) the daily management of ESAP;
139	(ii) the development and implementation of a quality policy and, where appropriate, of service level agreements between ESMA and the collection bodies;	(ii) the development and implementation of a quality policy and, where appropriate, of service level agreements between ESMA and the collection bodies;	(ii) the development and implementation of a quality policy and, where appropriate, of service level agreements between ESMA and the collection bodies;

	Commission Proposal	EP Mandate	Council Mandate
140	(iii) the funding conditions of ESAP, including in which situations fees may be imposed and the calculation of those fees;	<del>(iii) the funding conditions of ESAP, including in which situations fees may be imposed and the calculation of those fees;</del>	(iii) the funding conditions of ESAP, including in which situations fees may be imposed and the calculation of those fees;
141	(iv) threats in relation with cybersecurity.	(iv) <u>existing and emerging</u> threats in relation with cybersecurity.	(iv) threats in relation with cybersecurity.
142	(e) monitor the implementation and functioning of ESAP as specified in Article 12, and report annually thereon to the Commission.	(e) monitor the implementation and functioning of ESAP as specified in Article 12, and report annually thereon to the Commission.	(e) monitor the implementation and functioning of ESAP as specified in Article 12, and report annually thereon to the Commission.
143	2. For the purposes of paragraph 1, ESMA shall consult the Securities and Markets Stakeholders Group referred to in Article 37 of Regulation (EU) No 1095/2010.	2. For the purposes of paragraph 1, ESMA shall consult the Securities and Markets Stakeholders Group referred to in Article 37 of Regulation (EU) No 1095/2010, <u>and establish an ad hoc consultative group composed of experts and relevant stakeholders to advise and support ESMA in the technical implementation of ESAP.</u>	2. For the purposes of paragraph 1, ESMA shall consult the Securities and Markets Stakeholders Group referred to in Article 37 of Regulation (EU) No 1095/2010.
144	3. ESMA shall not store information containing personal data except for automatic, intermediate and transient processing, including storage of that information insofar as strictly necessary for the purpose of giving access to information provided by the collection bodies.	3. ESMA shall <del>not store</del> <u>ensure that no</u> information containing personal data <del>except for automatic, intermediate and transient</del> <u>is stored on ESAP unless necessary for facilitating easy and timely access to the information on ESAP or for implementing this Regulation. ESMA</u>	3. <u>Unless necessary for the purpose of facilitating access to the information provided by the collection bodies and implementing the relevant requirements set out in [this Regulation],</u> ESMA shall not store information containing personal data except for automatic, intermediate and transient

	Commission Proposal	EP Mandate	Council Mandate
		<i>shall take appropriate technical and organisational measures to ensure that personal data processing, <del>including storage of</del> via ESAP is carried out in accordance with Regulation (EU) 2018/1725 and that information <del>insofar as strictly necessary for the purpose of giving access to information provided by the collection bodies</del> is not retained or made available any longer than provided for in Article 5(1), point (f), of this Regulation.</i>	processing, including storage of that information <del>insofar as strictly necessary for the purpose of giving access to</del> . <i>ESMA shall take appropriate technical and organisational measures to ensure that personal data processing via ESAP is done in compliance with Regulation (EU) 2018/1725 and that information is not retained or made available any longer than provided by the collection bodies for in article 5(1)f.</i>
144a		<i>3a. ESMA shall ensure that personal data processing complies with the legal framework for the protection of personal data processed by Union institutions, bodies, offices and agencies.</i>	
145	Article 12 Monitoring the implementation and functioning of ESAP	Article 12 Monitoring the implementation and functioning of ESAP	Article 12 Monitoring the implementation and functioning of ESAP
146	1. ESMA, in close cooperation with the EBA and EIOPA, shall monitor the functioning of ESAP based on at least the qualitative and quantitative indicators laid down in paragraph 2, and shall publish an annual report about the functioning of ESAP.	1. ESMA, in close cooperation with the EBA and EIOPA, shall monitor the functioning of ESAP based on at least the qualitative and quantitative indicators laid down in paragraph 2, and shall publish <i>and submit to the European Parliament and to the Council</i> an annual report about the functioning of ESAP.	1. ESMA, in close cooperation with the EBA and EIOPA, shall monitor the functioning of ESAP based on at least the qualitative and quantitative indicators laid down in paragraph 2, and shall publish an annual report about the functioning of ESAP <i>starting [please insert 36 months following entry into force]</i> .
147			

	Commission Proposal	EP Mandate	Council Mandate
	2. The qualitative and quantitative indicators referred to in paragraph 1 are the following:	2. The qualitative and quantitative indicators referred to in paragraph 1 are the following:	2. The qualitative and quantitative indicators referred to in paragraph 1 are <u>at least</u> the following:
148	(a) the number of visitors and searches;	(a) the number of visitors <u>searches and downloads;</u> <del>and searches;</del>	(a) the number of visitors, <u>searches and downloads</u> <del>and searches;</del>
148a		<u>(aa) the type of information viewed and downloaded by percentage;</u>	
148b		<u>(ab) the fees referred to in Article 8 and charged by ESMA;</u>	
149	(b) the percentage of searches that lead to a view or a download;	(b) the percentage of searches that lead to a view or a download;	(b) the percentage of searches that lead to a view or a download <u>per type of information and users;</u>
150	(c) the number and percentage of machine-readable information accessible on ESAP and the number and percentage of machine-readable views and downloads;	(c) the number and percentage of machine-readable information accessible on ESAP and the number and percentage of machine-readable views and downloads;	(c) the <del>number and percentage of machine-readable</del> <u>type of</u> information <del>accessible on ESAP and the number and</del> <u>viewed or downloaded by</u> percentage <del>of machine-readable views and</del> <del>downloads;</del>
150a			<u>(ca) the number and percentage of machine-readable information accessible on ESAP and the number and percentage of machine-readable views and downloads;</u>

	Commission Proposal	EP Mandate	Council Mandate
151	(d) the proportion of notifications pursuant to the automated validations referred to in Article 10;	(d) the proportion of notifications pursuant to the automated validations referred to in Article 10;	(d) the proportion of notifications pursuant to the automated validations referred to in Article 10;
152	(e) any significant malfunction or incident;	(e) any significant malfunction or incident <u>affecting the operation or overall performance of ESAP</u> ;	(e) any significant malfunction or incident, <u>notably computer problems</u> ;
153	(f) an assessment of the accessibility, quality, usability and timeliness of the information in ESAP;	(f) an assessment of the accessibility, quality, usability, <u>reliability</u> and timeliness of the information in ESAP;	(f) an assessment of the accessibility, quality, usability and timeliness of the information in ESAP;
154	(g) an assessment of whether ESAP meets its objectives, taking into account the evolution of its use and the information flows within the Union;	(g) an assessment of whether ESAP meets its objectives, taking into account the evolution of its use and the information flows within the Union;	(g) an assessment of whether ESAP meets its objectives, taking into account the evolution of its use and the information flows within the Union;
155	(h) an assessment of end-user satisfaction;	(h) an assessment of end-user satisfaction;	(h) an assessment of end-user satisfaction;
156	(i) a comparison with similar systems in third countries.	(i) a comparison with similar systems in third countries.	(i) a comparison with similar systems in third countries.
157	3. ESMA shall consult the Securities and Markets Stakeholder Group referred to in Article 37 of Regulation (EU) No 1095/2010 before submitting	3. ESMA shall consult the Securities and Markets Stakeholder Group referred to in Article 37 of Regulation (EU) No 1095/2010 <u>and the ad</u>	3. ESMA shall consult the Securities and Markets Stakeholder Group referred to in Article 37 of Regulation (EU) No 1095/2010 before submitting

	Commission Proposal	EP Mandate	Council Mandate
	the report referred to in paragraph 1.	<u><i>hoc consultative group to be established pursuant to Article 11 of this Regulation</i></u> before submitting the report referred to in paragraph 1.	the report referred to in paragraph 1.
158	Article 13 Review	Article 13 Review	Article 13 Review <u><i>and delegated act</i></u>
159	By [PO, please insert a date 5 years after the entry into force of this Regulation], the Commission shall review the functioning of ESAP and assess its effectiveness. The Commission shall report to the European Parliament and to the Council on the results of this review.	By [ <u><i>PO, please insert a date 5 years after the entry into force of this Regulation</i></u> ], <del>PO, please insert a date 5 years after the entry into force of this Regulation</del> , the Commission shall, <u><i>in close cooperation with ESMA and taking into account the annual report published in accordance with Article 12</i></u> , review the functioning of ESAP and assess its effectiveness <u><i>and identify shortcomings in its performance</i></u> . <u><i>That review shall be accompanied by an overview of existing data-gaps in the Union and a strategy to address them. The review shall also include an assessment of the impact of this Regulation on the market position of private data providers in the Union. The review shall also include the contribution of ESAP to increasing the visibility of SMEs to cross-border investors, ESAP's interoperability with similar global platforms and the costs incurred by ESMA for operating ESAP. The Commission shall take appropriate action if the review reveals operational difficulties on the part of reporting entities, collection bodies or ESMA.</i></u> <u><i>The</i></u> <del>The</del> Commission shall report to the European Parliament and to the Council on the	<u><i>1. By <del>f</del>PO, please insert a date 5 years after the entry into force of this Regulation, the Commission shall review the functioning of ESAP and assess its</i></u> <u><i>31 March 2028, the Commission shall, in close cooperation with ESMA and with the Member States, including through relevant expert groups, submit a report to the European Parliament and to the Council on the implementation, functioning and effectiveness of ESAP. That report.</i></u> <del>The Commission shall report to the European Parliament and to the Council on the results of this review.</del> <u><i>take into account the annual report published in accordance with Article 12 and at least assess:</i></u>

	Commission Proposal	EP Mandate	Council Mandate
		<p>results of this review.</p> <p><u><i>The review shall make recommendations on the future development of ESAP including any further reporting requirements to be included within the scope.</i></u></p>	
159a			<u><i>(a) the technical difficulties faced by entities, collection bodies and European Supervisory Authorities during the implementation of ESAP;</i></u>
159b			<u><i>(b) the technical challenges met by entities and collection bodies associated with the centralization of information on ESAP, including the automated validation process;</i></u>
159c			<u><i>(c) the effectiveness of the collection of information by collection bodies and the transmission of information from collection bodies to ESAP;</i></u>
159d			<u><i>(d) the security and reliability of information made public on ESAP;</i></u>
159e			<u><i>(e) the costs incurred by entities for reporting information and ESAP and by collection bodies for collecting information and providing it to ESAP;</i></u>

	Commission Proposal	EP Mandate	Council Mandate
159f			<u>(f) the costs incurred by ESMA for the operation of ESAP;</u>
159g			<u>(g) the funding scheme of ESMA for the operation ESAP, in particular the adequate contribution from the general budget of the European Union and the appropriate proportion of contributions from the national public authorities as refer to in Article 62(1a) of regulation 1095/2010, in light of the fees perceived in application of Article 8, point (2);</u>
159h			<u>(h) the progress made in facilitating a public access to data published by entities subject to disclosure obligations in the area of financial services and capital markets, including sustainability related data;</u>
159i			<u>(i) the contribution of ESAP in making companies more visible to cross-borders investors;</u>
159j			<u>(j) the effectiveness of the set-up of ESAP, including its security of network and information systems in ensuring its operational resilience against ICT risks.</u>

	Commission Proposal	EP Mandate	Council Mandate
159k			<u><i>In view of supporting an efficient further development of ESAP, the report shall also include a cost-benefit analysis, taking into account the added value, technical challenges and expected cost linked to the inclusion in the scope of the ESAP of information for which the submission to collection bodies is not yet required in accordance with Article 1 (1), point (a).</i></u>
159l			<u><i>2. If the report reveals material difficulties regarding one or several elements listed in paragraph 1, the Commission shall adopt a delegated act to postpone the inclusion in the scope of the ESAP of information for which the submission to collection bodies is not yet required or permitted in accordance with Article 1(1), point (a) by a maximum of 36 months.</i></u>
159m			<u><i>If appropriate, the Commission may propose amendments to this Regulation and other relevant Acts, in particular to reduce the scope of information listed in the Annex or to addresses difficulties in relation to the costs referred to in Article 13 (1) (e) (f).</i></u>
160	Article 14 Entry into force	Article 14 Entry into force	Article 14 Entry into force
161			

	Commission Proposal	EP Mandate	Council Mandate
	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the <u>Official Journal of the European Union</u> <del>Official Journal of the European Union</del> .	This Regulation shall enter into force on the twentieth day following that of its publication in the <u>Official Journal of the European Union</u> <del>Official Journal of the European Union</del> .
162	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.
163	Done at Brussels,	Done at Brussels,	Done at Brussels,
164	For the European Parliament	For the European Parliament	For the European Parliament
165	The President	The President	The President
166	For the Council	For the Council	For the Council
167	The President	The President	The President
167.1	Annex	Annex <u>ANNEX</u>	
168	List of Union legislation in the scope of the European Single Access Point (ESAP) as referred to	List of Union legislation in the scope of the European Single Access Point (ESAP) as	

	Commission Proposal	EP Mandate	Council Mandate
	under Article 1(1)(a)	referred to under Article 1(1)(a)	
169	A PART A — REGULATIONS	A PART A — REGULATIONS	
170	<p>1. Regulation (EC) No 1060/2009 on credit rating agencies<sup>1</sup></p> <p><sup>1</sup> Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies (OJ L 302, 17.11.2009, p. 1–31)</p>	<p>1. Regulation (EC) No 1060/2009 on credit rating agencies<sup>1</sup></p> <p><sup>1</sup> Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies (OJ L 302, 17.11.2009, p. 1–31)</p>	
171	<p>2. Regulation (EU) No 236/2012 on short selling and certain aspects of credit default swaps<sup>1</sup></p> <p><sup>1</sup> Regulation (EU) No 236/2012 of the European Parliament and of the Council of 14 March 2012 on short selling and certain aspects of credit default swaps (OJ L 86, 24.3.2012, p. 1–24)</p>	<p>2. Regulation (EU) No 236/2012 on short selling and certain aspects of credit default swaps<sup>1</sup></p> <p><sup>1</sup> Regulation (EU) No 236/2012 of the European Parliament and of the Council of 14 March 2012 on short selling and certain aspects of credit default swaps (OJ L 86, 24.3.2012, p. 1–24)</p>	
172	<p>3. Regulation (EU) No 648/2012 on OTC derivatives, central counterparties and trade repositories<sup>1</sup></p> <p><sup>1</sup> Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1–59)</p>	<p>3. Regulation (EU) No 648/2012 on OTC derivatives, central counterparties and trade repositories<sup>1</sup></p> <p><sup>1</sup> Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1–59)</p>	
173			

	Commission Proposal	EP Mandate	Council Mandate
	<p>4. Regulation (EU) No 345/2013 on European venture capital funds<sup>1</sup></p> <p>1. Regulation (EU) No 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds (OJ L 115, 25.4.2013, p. 1–17)</p>	<p>4. Regulation (EU) No 345/2013 on European venture capital funds<sup>1</sup></p> <p>1. Regulation (EU) No 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds (OJ L 115, 25.4.2013, p. 1–17)</p>	
174	<p>5. Regulation (EU) No 346/2013 on European social entrepreneurship funds<sup>1</sup></p> <p>1. Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds (OJ L 115, 25.4.2013, p. 18–38)</p>	<p>5. Regulation (EU) No 346/2013 on European social entrepreneurship funds<sup>1</sup></p> <p>1. Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds (OJ L 115, 25.4.2013, p. 18–38)</p>	
175	<p>6. Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment<sup>1</sup></p> <p>1. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1–337)</p>	<p>6. Regulation (EU) No 575/2013 on prudential requirements for credit institutions and investment<sup>1</sup></p> <p>1. Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1–337)</p>	
176	<p>7. Regulation (EU) No 537/2014 on specific requirements regarding statutory audit of public-interest entities<sup>1</sup></p> <p>1. Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC (OJ L 158, 27.5.2014, p.</p>	<p>7. Regulation (EU) No 537/2014 on specific requirements regarding statutory audit of public-interest entities<sup>1</sup></p> <p>1. Regulation (EU) No 537/2014 of the European Parliament and of the Council of 16 April 2014 on specific requirements regarding statutory audit of public-interest entities and repealing Commission Decision 2005/909/EC</p>	

	Commission Proposal	EP Mandate	Council Mandate
	77–112)	(OJ L 158, 27.5.2014, p. 77–112)	
177	<p>8. Regulation (EU) No 596/2014 on market abuse (market abuse regulation)<sup>1</sup></p> <p>1. 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 (OJ L 173, 12.6.2014, p. 1–61)</p>	<p>8. Regulation (EU) No 596/2014 on market abuse (market abuse regulation)<sup>1</sup></p> <p>1. 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 (OJ L 173, 12.6.2014, p. 1–61)</p>	
178	<p>9. Regulation (EU) No 600/2014 on markets in financial instruments<sup>1</sup></p> <p>1. 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 (OJ L 173, 12.6.2014, p. 84–148)</p>	<p>9. Regulation (EU) No 600/2014 on markets in financial instruments<sup>1</sup></p> <p>1. 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 (OJ L 173, 12.6.2014, p. 84–148)</p>	
179	<p>10. Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories<sup>1</sup></p> <p>1. Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1–72)</p>	<p>10. Regulation (EU) No 909/2014 on improving securities settlement in the European Union and on central securities depositories<sup>1</sup></p> <p>1. Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No 236/2012 (OJ L 257, 28.8.2014, p. 1–72)</p>	
180	11. Regulation (EU) No 1286/2014 on key	11. Regulation (EU) No 1286/2014 on key	

	Commission Proposal	EP Mandate	Council Mandate
	<p>information documents for packaged retail and insurance-based investment products (PRIIPs)<sup>1</sup></p> <p>1. Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs) (OJ L 352, 9.12.2014, p. 1–23)</p>	<p>information documents for packaged retail and insurance-based investment products (PRIIPs)<sup>1</sup></p> <p>1. Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPs) (OJ L 352, 9.12.2014, p. 1–23)</p>	
181	<p>12. Regulation (EU) 2015/760 on European long-term investment funds<sup>1</sup></p> <p>1. Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds (OJ L 123, 19.5.2015, p. 98–121)</p>	<p>12. Regulation (EU) 2015/760 on European long-term investment funds<sup>1</sup></p> <p>1. Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds (OJ L 123, 19.5.2015, p. 98–121)</p>	
182	<p>13. Regulation (EU) 2015/2365 on transparency of securities financing transactions and of reuse<sup>1</sup></p> <p>1. Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1–34)</p>	<p>13. Regulation (EU) 2015/2365 on transparency of securities financing transactions and of reuse<sup>1</sup></p> <p>1. Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (OJ L 337, 23.12.2015, p. 1–34)</p>	
183	<p>14. Regulation (EU) 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment<sup>1</sup></p> <p>1. Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives</p>	<p>14. Regulation (EU) 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment<sup>1</sup></p> <p>1. Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and</p>	

	Commission Proposal	EP Mandate	Council Mandate
	2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1–65)	amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014 (OJ L 171, 29.6.2016, p. 1–65)	
184	<p>15. Regulation (EU) 2017/1129 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market<sup>1</sup></p> <p>1. Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12–82)</p>	<p>15. Regulation (EU) 2017/1129 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market<sup>1</sup></p> <p>1. Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC (OJ L 168, 30.6.2017, p. 12–82)</p>	
185	<p>16. Regulation (EU) 2017/1131 on money market funds<sup>1</sup></p> <p>1. Regulation (EU) 2017/1131 of the European Parliament and of the Council of 14 June 2017 on money market funds (OJ L 169, 30.6.2017, p. 8–45)</p>	<p>16. Regulation (EU) 2017/1131 on money market funds<sup>1</sup></p> <p>1. Regulation (EU) 2017/1131 of the European Parliament and of the Council of 14 June 2017 on money market funds (OJ L 169, 30.6.2017, p. 8–45)</p>	
185a		<p><u><a href="#">16a. Regulation (EU) 2017/2402 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012<sup>1</sup></a></u></p> <p><u><a href="#">1. Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and</a></u></p>	

	Commission Proposal	EP Mandate	Council Mandate
		<a href="#"><u>standardised securitisation and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012 (OJ L 347, 28.12.2017, p. 35)</u></a>	
186	<p>17. Regulation (EU) 2019/1238 on a pan-European Personal Pension Product (PEPP)<sup>1</sup></p> <p>1. Regulation (EU) 2019/1238 of the European Parliament and of the Council of 20 June 2019 on a pan-European Personal Pension Product (PEPP) (OJ L 198, 25.7.2019, p. 1–63)</p>	<p>17. Regulation (EU) 2019/1238 on a pan-European Personal Pension Product (PEPP)<sup>1</sup></p> <p>1. Regulation (EU) 2019/1238 of the European Parliament and of the Council of 20 June 2019 on a pan-European Personal Pension Product (PEPP) (OJ L 198, 25.7.2019, p. 1–63)</p>	
187	<p>18. Regulation (EU) 2019/2033 on the prudential requirements of investment<sup>1</sup></p> <p>1. Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1–63)</p>	<p>18. Regulation (EU) 2019/2033 on the prudential requirements of investment<sup>1</sup></p> <p>1. Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019 on the prudential requirements of investment firms and amending Regulations (EU) No 1093/2010, (EU) No 575/2013, (EU) No 600/2014 and (EU) No 806/2014 (OJ L 314, 5.12.2019, p. 1–63)</p>	
188	<p>19. Regulation (EU) 2019/2088 on sustainability-related disclosures in the financial services sector<sup>1</sup></p> <p>1. Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector (OJ L 317, 9.12.2019, p. 1–16)</p>	<p>19. Regulation (EU) 2019/2088 on sustainability-related disclosures in the financial services sector<sup>1</sup></p> <p>1. Regulation (EU) 2019/2088 of the European Parliament and of the Council of 27 November 2019 on sustainability-related disclosures in the financial services sector (OJ L 317, 9.12.2019, p. 1–16)</p>	
189	<p>20. Regulation (EU) 2020/852 on the establishment</p>	<p>20. Regulation (EU) 2020/852 on the</p>	

	Commission Proposal	EP Mandate	Council Mandate
	<p>of a framework to facilitate sustainable investment<sup>1</sup></p> <p>1. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13–43)</p>	<p>establishment of a framework to facilitate sustainable investment<sup>1</sup></p> <p>1. Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.6.2020, p. 13–43)</p>	
190	<p>21. Regulation (EU) 2021/23 on a framework for the recovery and resolution of central counterparties<sup>1</sup></p> <p>1. Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1–102)</p>	<p>21. Regulation (EU) 2021/23 on a framework for the recovery and resolution of central counterparties<sup>1</sup></p> <p>1. Regulation (EU) 2021/23 of the European Parliament and of the Council of 16 December 2020 on a framework for the recovery and resolution of central counterparties and amending Regulations (EU) No 1095/2010, (EU) No 648/2012, (EU) No 600/2014, (EU) No 806/2014 and (EU) 2015/2365 and Directives 2002/47/EC, 2004/25/EC, 2007/36/EC, 2014/59/EU and (EU) 2017/1132 (OJ L 22, 22.1.2021, p. 1–102)</p>	
190a		<p><u><a href="#">21.a Regulation (EU) No .../2023 on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937<sup>12</sup></a></u></p> <p><u><a href="#">1. Regulation (EU) No .../2023 of the European Parliament and of the Council of ... on markets in crypto-assets, and amending Regulations (EU) No 1093/2010 and (EU) No 1095/2010 and Directives 2013/36/EU and (EU) 2019/1937 (MiCA) (OJ L ... .. p....)</a></u></p> <p><u><a href="#">2. + OJ: Please insert in the text the number of the Regulation in document PE-CONS 54/22 (2020/0265(COD)) and in the corresponding footnote - the number, date of adoption and publication reference of</a></u></p>	

	Commission Proposal	EP Mandate	Council Mandate
		<a href="#"><u>that Regulation.</u></a>	
190b		<p><a href="#"><u>21.b Regulation (EU) No .../2023 on European green bonds<sup>12</sup></u></a></p> <p><a href="#"><u>1. Regulation (EU) No .../2023 of European Parliament and of the Council of ... on European green bonds (OJ ...)</u></a>  <a href="#"><u>2. + OJ: Please insert in the text the number of the Regulation in document PE-CONS .../23 (2021/0191(COD)) and in the corresponding footnote - the number, date of adoption and publication reference of that Regulation.</u></a></p>	
191	B PART B - DIRECTIVES	B PART B - DIRECTIVES	
192	<p>1. Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate<sup>1</sup></p> <p>1. Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1–27)</p>	<p>1. Directive 2002/87/EC on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate<sup>1</sup></p> <p>1. Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1–27)</p>	
193	<p>2. Directive 2004/25/EC on takeover bids<sup>1</sup></p> <p>1. Directive 2004/25/EC of the European Parliament and of the</p>	<p>2. Directive 2004/25/EC on takeover bids<sup>1</sup></p> <p>1. Directive 2004/25/EC of the European Parliament and of</p>	

	Commission Proposal	EP Mandate	Council Mandate
	Council of 21 April 2004 on takeover bids (OJ L 142, 30.4.2004, p. 12–23)	the Council of 21 April 2004 on takeover bids (OJ L 142, 30.4.2004, p. 12–23)	
194	<p>3. Directive 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market<sup>1</sup></p> <p>1. Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC (OJ L 390, 31.12.2004, p. 38–57)</p>	<p>3. Directive 2004/109/EC on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market<sup>1</sup></p> <p>1. Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC (OJ L 390, 31.12.2004, p. 38–57)</p>	
195	<p>4. Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts<sup>1</sup></p> <p>1. Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ L 157, 9.6.2006, p. 87–107)</p>	<p>4. Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts<sup>1</sup></p> <p>1. Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC (OJ L 157, 9.6.2006, p. 87–107)</p>	
196	<p>5. Directive 2007/36/EC on the exercise of certain rights of shareholders in listed companies<sup>1</sup></p> <p>1. Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies (OJ L 184, 14.7.2007, p. 17–24)</p>	<p>5. Directive 2007/36/EC on the exercise of certain rights of shareholders in listed companies<sup>1</sup></p> <p>1. Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies (OJ L 184, 14.7.2007, p. 17–24)</p>	

	Commission Proposal	EP Mandate	Council Mandate
197	<p>6. Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS)<sup>1</sup></p> <p>1. Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32–96)</p>	<p>6. Directive 2009/65/EC on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS)<sup>1</sup></p> <p>1. Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32–96)</p>	
198	<p>7. Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)<sup>1</sup></p> <p>1. Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1–155)</p>	<p>7. Directive 2009/138/EC on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)<sup>1</sup></p> <p>1. Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1–155)</p>	
199	<p>8. Directive 2011/61/EU on Alternative Investment Fund Managers<sup>1</sup></p> <p>1. Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1-73)</p>	<p>8. Directive 2011/61/EU on Alternative Investment Fund Managers<sup>1</sup></p> <p>1. Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1-73)</p>	
200	<p>9. Directive 2013/34/EU on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings<sup>1</sup></p>	<p>9. Directive 2013/34/EU on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings<sup>1</sup></p>	

	Commission Proposal	EP Mandate	Council Mandate
	<p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76)</p>	<p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19-76)</p>	
201	<p>10. Directive 2013/36/EU on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms<sup>1</sup></p> <p>1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC Text with EEA relevance (OJ L 176, 27.6.2013, p. 338–436)</p>	<p>10. Directive 2013/36/EU on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms<sup>1</sup></p> <p>1. Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC Text with EEA relevance (OJ L 176, 27.6.2013, p. 338–436)</p>	
202	<p>11. Directive 2014/59/EU establishing a framework for the recovery and resolution of credit institutions and investment firms<sup>1</sup></p> <p>1. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190–348)</p>	<p>11. Directive 2014/59/EU establishing a framework for the recovery and resolution of credit institutions and investment firms<sup>1</sup></p> <p>1. Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ L 173, 12.6.2014, p. 190–348)</p>	

	Commission Proposal	EP Mandate	Council Mandate
203	<p>12. Directive 2014/65/EU on markets in financial instruments<sup>1</sup></p> <p>1. 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 (OJ L 173, 12.6.2014, p. 349–496)</p>	<p>12. Directive 2014/65/EU on markets in financial instruments<sup>1</sup></p> <p>1. 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 (OJ L 173, 12.6.2014, p. 349–496)</p>	
204	<p>13. Directive (EU) 2016/97 on insurance distribution<sup>1</sup></p> <p>1. Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (OJ L 26, 2.2.2016, p. 19–59)</p>	<p>13. Directive (EU) 2016/97 on insurance distribution<sup>1</sup></p> <p>1. Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (OJ L 26, 2.2.2016, p. 19–59)</p>	
205	<p>14. Directive (EU) 2016/2341 on the activities and supervision of institutions for occupational retirement provision (IORPs)<sup>1</sup></p> <p>1. Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (OJ L 354, 23.12.2016, p. 37–85)</p>	<p>14. Directive (EU) 2016/2341 on the activities and supervision of institutions for occupational retirement provision (IORPs)<sup>1</sup></p> <p>1. Directive (EU) 2016/2341 of the European Parliament and of the Council of 14 December 2016 on the activities and supervision of institutions for occupational retirement provision (IORPs) (OJ L 354, 23.12.2016, p. 37–85)</p>	
206	<p>15. Directive (EU) 2019/2034 on the prudential supervision of investment firms<sup>1</sup></p> <p>1. Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64–114)</p>	<p>15. Directive (EU) 2019/2034 on the prudential supervision of investment firms<sup>1</sup></p> <p>1. Directive (EU) 2019/2034 of the European Parliament and of the Council of 27 November 2019 on the prudential supervision of investment firms and amending Directives 2002/87/EC, 2009/65/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU and 2014/65/EU (OJ L 314, 5.12.2019, p. 64–114)</p>	

	Commission Proposal	EP Mandate	Council Mandate
207	<p>16. Directive (EU) 2019/2162 on the issue of covered bonds and covered bond public supervision<sup>1</sup></p> <p>1. Directive (EU) 2019/2162 of the European Parliament and of the Council of 27 November 2019 on the issue of covered bonds and covered bond public supervision and amending Directives 2009/65/EC and 2014/59/EU (OJ L 328, 18.12.2019, p. 29–57)</p>	<p>16. Directive (EU) 2019/2162 on the issue of covered bonds and covered bond public supervision<sup>1</sup></p> <p>1. Directive (EU) 2019/2162 of the European Parliament and of the Council of 27 November 2019 on the issue of covered bonds and covered bond public supervision and amending Directives 2009/65/EC and 2014/59/EU (OJ L 328, 18.12.2019, p. 29–57)</p>	
207a		<p><u><a href="#">16.a Directive (EU) .../... on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937<sup>12</sup></a></u></p> <p><u><a href="#">1. Directive (EU) .../... of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 (OJ ...)</a></u></p> <p><u><a href="#">2. + OJ: Please insert in the text the number of the Directive in document PE-CONS .../23 (2022/0051(COD)) and in the corresponding footnote - the number, date of adoption and publication reference of that Directive.</a></u></p>	
207b		<p><u><a href="#">16.b Directive (EU) .../... establishing a framework for the recovery and resolution of insurance and reinsurance undertakings and amending Directives 2002/47/EC, 2004/25/EC, 2009/138/EC, (EU) 2017/1132 and Regulations (EU) No 1094/2010 and (EU) No 648/2012<sup>12</sup></a></u></p> <p><u><a href="#">1. Directive (EU) .../... of the European Parliament and of the Council of ... establishing a framework for the recovery and resolution of insurance and reinsurance undertakings and amending Directives 2002/47/EC,</a></u></p>	

	Commission Proposal	EP Mandate	Council Mandate
		<p><u>2004/25/EC, 2009/138/EC, (EU) 2017/1132 and Regulations (EU) No 1094/2010 and (EU) No 648/2012 (OJ ...)</u></p> <p><u>2. + OJ: Please insert in the text the number of the Directive in document PE-CONS.../23 (2021/0296(COD)) and in the corresponding footnote - the number, date of adoption and publication reference of that Directive.</u></p>	