Response Form to the Consultation Paper

ESMA fees for DRSP
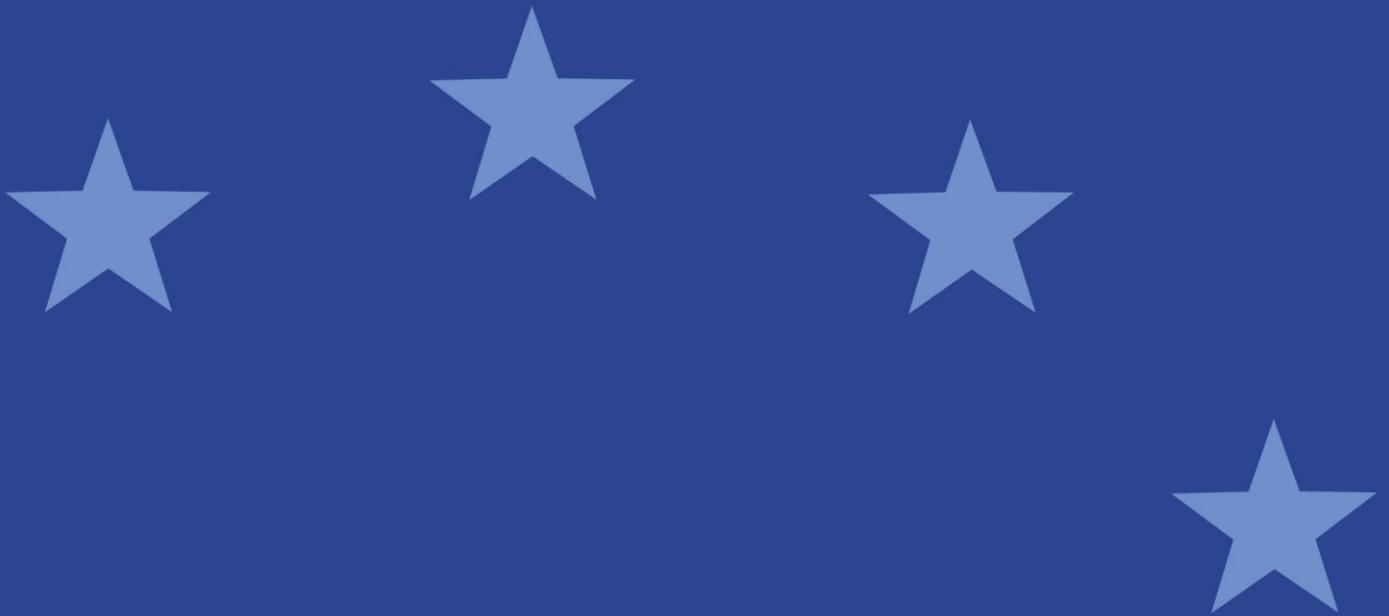
Responding to this paper

ESMA invites comments on all matters in this paper and in particular on the specific questions summarised in Annex 1. Comments are most helpful if they:

1. respond to the question stated;

2. indicate the specific question to which the comment relates;

3. contain a clear rationale; and

4. describe any alternatives ESMA should consider.

ESMA will consider all comments received by **4 January 2021.**

All contributions should be submitted online at www.esma.europa.eu under the heading 'Your input - Consultations'.

Instructions

In order to facilitate analysis of responses to the Consultation Paper, respondents are requested to follow the below steps when preparing and submitting their response:

1. Insert your responses to the questions in the Consultation Paper in the present response form.

2. Please do not remove tags of the type <ESMA_QUESTION_CP_DRFE_1>. Your response to each question has to be framed by the two tags corresponding to the question.

3. If you do not wish to respond to a given question, please do not delete it but simply leave the text "TYPE YOUR TEXT HERE" between the tags.

4. When you have drafted your response, name your response form according to the following convention: ESMA_DRFE_nameofrespondent_RESPONSEFORM. For example, for a respondent named ABCD, the response form would be entitled ESMA_ DRFE _ABCD_RESPONSEFORM.

5. Upload the form containing your responses, in Word format, to ESMA's website (www.esma.europa.eu under the heading "Your input – Open Consultations" → " Public Consultation on fees for data reporting service providers (DRSP)").

Publication of responses

All contributions received will be published following the close of the consultation, unless you request otherwise. Please clearly and prominently indicate in your submission any part you do not wish to be publicly disclosed. A standard confidentiality statement in an email message will not be treated as a request for non-disclosure. A confidential response may be requested from us in accordance with ESMA's rules on access to documents. We may consult you if we receive such a request. Any decision we make not to disclose the response is reviewable by ESMA's Board of Appeal and the European Ombudsman.

Data protection

Information on data protection can be found at www.esma.europa.eu under the heading Legal Notice.

Who should read this paper?

This consultation is looking for feedback from data reporting services providers, market participants and authorities.

General information about respondent

Name of the company / organisation	Finance Denmark
Activity	Banking sector
Are you representing an association?	☒
Country/Region	Denmark

Introduction

Please make your introductory comments below, if any

<ESMA_COMMENT_CP_DRFE_1>

Generally, regard should be given to smaller ARM/APA that only provide services locally in one country as a part of bigger package of services provided to small local banks that only operate nationally. In such a setup we find that reporting should be done to the NCA while if the ARM/APA provide services in several countries it should report to ESMA.

This setup also makes it challenging with the specific model with calculation of annual fees for DRSP's since the ARM service with ancillary services, which are offered in Denmark to smaller banks, is not an independent priced service, but the ARM service is part of an overall service and pricing, which delivered in the role of data center for smaller banks.

<ESMA_COMMENT_CP_DRFE_1>

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Questions

Q1: Do you agree with the proposed approach for DRSP fees? Please elaborate in detail the reasons for your answer.

<ESMA_QUESTION_DRFE_1>

Yes -but how to calculate the annual supervision fee if an ARM doesn't have an actual turnover, but only a cost base, which is financed as part of the payment paid as part of a general data center payment

<ESMA_QUESTION_DRFE_1>

Q2: Do you agree with the proposed application fee for ARMs and APAs? Please elaborate on the reasons for your answer.

<ESMA_QUESTION_DRFE_2>

Yes - it makes sense with an application fee for ARM's and APA's.

However, it is difficult as an outsider to relate qualified to the size of the fee

<ESMA_QUESTION_DRFE_2>

Q3: Do you agree with the proposed authorisation fee for ARMs and APAs? Please elaborate on the reasons for your answer.

<ESMA_QUESTION_DRFE_3>

Yes - it makes sense with an application fee for ARM's and APA's.

However, it is difficult as an outsider to relate qualified to the size of the fee

<ESMA_QUESTION_DRFE_3>

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Q4: Do you agree with the reduced additional application and authorisation fee for each additional DRSP type in the case of a simultaneous application? Please elaborate on the reasons for your answer.

<ESMA_QUESTION_DRFE_4>

It is a sensible proposal if it is based on a cost estimate that it is simpler and cheaper to process multiple simultaneous applications.

<ESMA_QUESTION_DRFE_4>

Q5: Do you agree with the proposed application and authorisation fee for CTP? Please elaborate on the reasons for your answer.

<ESMA_QUESTION_DRFE_5>

TYPE YOUR TEXT HERE

<ESMA_QUESTION_DRFE_5>

Q6: Do you agree with the proposed approach to calculate first-year fees for DRSPs authorised by ESMA under MiFIR? Please elaborate on the reasons for your answer.

<ESMA_QUESTION_DRFE_6>

Yes - it makes sense with a proportional payment the first year
<ESMA_QUESTION_DRFE_6>

Q7: Do you agree with the proposed approach for the calculation of annual fees for DRSPs supervised by ESMA? Please elaborate on the reasons for your response.

<ESMA_QUESTION_DRFE_7>

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No - The challenge with the specific model with calculation of annual fees for DRSP's is that the ARM service with ancillary services, which are offered in Denmark to smaller banks, is not an independent priced service, but the ARM service is part of an overall service and pricing, which delivered in the role of data center for smaller banks.

<ESMA_QUESTION_DRFE_7>

Q8: Do you agree with the use of revenues for the purposes of calculation of the applicable turnover? Please elaborate on the reasons for your response.

<ESMA_QUESTION_DRFE_8>

No - The challenge with the specific model with calculation of annual fees for DRSP's is that the ARM service with ancillary services, which are offered in Denmark to smaller banks, is not an independent priced service, but the ARM service is part of an overall service and pricing, which delivered in the role of data center for smaller banks.

<ESMA_QUESTION_DRFE_8>

Q9: With regards to the revenues, do you agree with including both revenues form core and ancillary services? How complex is to identify and report the revenues from ancillary services attributable to each data reporting service separately? Please elaborate on the reasons for your response.

<ESMA_QUESTION_DRFE_9>

No - The challenge with the specific model with calculation of annual fees for DRSP's is that the ARM service with ancillary services, which are offered in Denmark to smaller banks, is not an independent priced service, but the ARM service is part of an overall service and pricing, which delivered in the role of data center for smaller banks.

<ESMA_QUESTION_DRFE_9>

Q10: In those cases, where ancillary services cannot be directly allocated to each data reporting service, do you agree with allocating them in accordance with the revenues from the respective core services? Please elaborate on the reasons for your response.

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<ESMA_QUESTION_DRFE_10>

No - The challenge with the specific model with calculation of annual fees for DRSP's is that the ARM service with ancillary services, which are offered in Denmark to smaller banks, is not an independent priced service, but the ARM service is part of an overall service and pricing, which delivered in the role of data center for smaller banks.

<ESMA_QUESTION_DRFE_10>

Q11: Do you agree with the proposed level of minimum supervisory fee? Please elaborate on the reasons for your response.

<ESMA_QUESTION_DRFE_11>

If the minimum supervisory fee is based on a real cost, a minimum fee will be reasonable

<ESMA_QUESTION_DRFE_11>

Q12: Do you agree with the proposed level of minimum supervisory fees in case more than one data reporting service is provided? Please elaborate on the reasons for your response.

<ESMA_QUESTION_DRFE_12>

If the minimum supervisory fee is based on a real cost, a minimum fee will be reasonable

<ESMA_QUESTION_DRFE_12>

Q13: Do you agree with the approach for determining the fees in 2022 for already authorised DRSPs? Are there any difficulties in identifying the revenues from data reporting services provided in 2020? Please elaborate on the reasons for your response.

<ESMA_QUESTION_DRFE_13>

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The approach is fine, but the problem is the general approach with the calculation of the annual fee - The challenge with the specific model with calculation of annual fees for DRSP's is that the ARM service with ancillary services, which are offered in Denmark to smaller banks, is not an independent priced service, but the ARM service is part of an overall service and pricing, which delivered in the role of data center for smaller banks.

<ESMA_QUESTION_DRFE_13>

Q14: Do you agree with the proposed approach for the supervisory fees related to preparatory work? Please elaborate.

<ESMA_QUESTION_DRFE_14>

Yes - if there is to be a cost recovery, it seems like a reasonable way to allocate costs

<ESMA_QUESTION_DRFE_14>

Q15: Do you agree with the proposal for the payment conditions by DRSPs of the fees for application, authorisation or extension of authorisation under MIFIR? Please elaborate on the reasons for your answer.

<ESMA_QUESTION_DRFE_15>

Yes - it seems like reasonable payment conditions

<ESMA_QUESTION_DRFE_15>

Q16: Do you agree with the proposal to not reimburse DRSPs in case they decide to withdraw their application for authorisation or extension of authorisation before authorisation is granted? Please elaborate on the reasons for your response.

<ESMA_QUESTION_DRFE_16>

Not applicable

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<ESMA_QUESTION_DRFE_16>

Q17: Do you agree with the proposal that DRSPs pay their annual fees by 31 March of the year for which the fees are due? Please elaborate on the reasons for your response.

<ESMA_QUESTION_DRFE_17>

Not applicable

<ESMA_QUESTION_DRFE_17>

Q18: Do you agree with the proposal for the timing of payment of the 2022 fees? Please elaborate on the reasons for your response.

<ESMA_QUESTION_DRFE_18>

Not applicable

<ESMA_QUESTION_DRFE_18>

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