



ESMA's call for evidence on position limits and position management controls in commodity derivatives.

[Link to the paper: ESMA's call for evidence on position limits and position management controls in commodity derivatives.](#)

1.- Target audience (potential stakeholders)

This call for evidence is addressed, in particular, to:

- Trading venues.
- Investment firms providing investment services in relation to commodity derivatives and non-financial counterparties that trade commodity derivatives.
- Other market participants in commodity derivatives markets, including trade associations, industry bodies and investors.

2.- Information Note

Article 90(1)(f) MiFID II stipulates that, before 3 March 2020, the European Commission shall, after consulting ESMA, present a report to the European Parliament and the Council on, among other matters, the impact of the application of position limits and position management controls on liquidity, market abuse and orderly price formation and settlement conditions in commodity derivatives markets. Based on a revised timeline agreed with the European Commission, ESMA shall deliver its advice by 31 March 2020.

This call for evidence is the first step prior to preparing such advice and is aimed at gathering the views of stakeholders on the impact of position limits and position management controls in commodity derivatives as well as on potential amendments to the existing regulations, based on the experience gained to date.

The paper contains 22 questions that are divided into three parts:

1.- Summary of the MiFID II position limit regime: the paper seeks views on the potential impact of position limits on liquidity, market abuse, price formation and settlement conditions in commodity derivatives markets.

2.- Summary of the MiFID II position management control regime: the paper seeks comments on the potential impact of position management controls in commodity derivatives markets.

3.- Summary of the forward-looking approach with regard to limits and management control. The paper seeks an overall assessment of the position limit regime and how EU commodity derivatives markets will be impacted by the UK's withdrawal from the European Union. It also seeks views on potential changes in the scope of the position limit regime, as well as the exceptions to and the methodology for setting the position limits. With regard to position management controls, views are sought on the usefulness of the information published by ESMA.

ESMA will take into account the responses to this call for evidence and will prepare its proposal for advice for the European Commission's report. ESMA will launch a public consultation on the proposal for advice in the fourth quarter of 2019 in order to publish the report by the end of March 2020.

3.- Submission of comments

The deadline for submitting comments is **5 July 2019**. All comments submitted will be published unless the sender requests otherwise.

All interested stakeholders may send their comments through ESMA's website www.esma.europa.eu. Both the paper of this consultation (ESMA70-156-1101) and the Response Form are available on the *Consultations* section (place the cursor on the word to obtain the link)

Likewise, please send a copy of your answers to the CNMV to the following email address: Documentosinternacional@cnmv.es

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