

REPORTING INSTRUCTIONS UNDER MiFIR: FILES CONTAINING OMITTED OR AMENDED TRANSACTIONS

25 October 2019

In accordance with the provisions of section 4.3 of the *Operational guide for transaction reporting under MiFIR*

(http://cnmv.es/docportal/MiFIDII_MiFIR/ESP_GuiaOperativaTR.pdf) under MIFIR article 26, when the CNMV specifically requests a reporting Entity to report transactions containing omitted or amended transactions, such Entity shall use special files for the reporting thereof, the “REQ” (Request) file.

In any case, the submission of information using this type of file shall be at the request of the CNMV to the reporting entity, or on the Entity’s initiative, provided that this is allowed by the CNMV prior to the delivery.

The procedure is known as “Supplementary Submission” and its main objective is to enable entities to update the reporting of transactions in an agile way, without delaying the daily timing for the submission of transaction files.

Prior to the delivery of the file, the Entity shall submit an email to the following email address: ComunicacionOperaciones@cnmv.es, containing:

- The internal amendment made by the reporting Entity, indicating the reasons that triggered the type of incident concerned, ensuring that the necessary measures have been adopted to prevent this type of incident.
- The number of transactions to be cancelled and replaced or to be submitted in the case of omissions, indicating the trade dates concerned in each case.

Upon receipt of the consent from the CNMV, the Entity shall forward the “REQ” file separately, without mixing it with the ordinary transactions (“TRA” files), bearing in mind that they must be ordered chronologically, i.e. the cancellations first and then the replacement transactions.

The files shall contain a maximum of 500,000 records (considering both transactions and cancellations). If necessary, various files may be forwarded in the relevant consequential order.

Note that in the case of replacement reports, the transaction reference number (field 2 of RDC 590/2017) should not be changed, retaining the same reference number of the incorrect transaction that was previously cancelled.