



March 12, 2021

Via Electronic Submission

Craig McBurnie
Senior Analyst, Market Infrastructure
Australian Securities and Investments Commission
Level 5, 100 Market Street
Sydney, NSW 2000

Email: otcd@asic.gov.au

Re: Consultation Paper 334: Proposed changes to simplify the ASIC Derivative Transaction Rules (Reporting): First consultation

Dear Mr McBurnie,

DTCC Data Repository Singapore Pte. Ltd. (“DDRS”), a wholly owned subsidiary of The Depository Trust & Clearing Corporation (“DTCC”), appreciates the opportunity to respond to the Australian Securities and Investments Commission (“ASIC”) proposed changes to simplify the ASIC Derivative Transaction Rules (Reporting) (“Consultation”).¹

DDRS appreciates ASIC’s efforts to update its derivatives reporting regime to incorporate relevant market developments and further harmonize it with international standards. DDRS supports many of ASIC’s proposed revisions and believes that, if finalized, they would increase derivatives market transparency while reducing operational complexities for market participants. Where DDRS believes a proposed rule can be improved or clarified, it has set forth its recommended amendments or requests for clarification. Thank you for consideration of these comments and we look forward to further discussion on these important proposals.

About DDRS

DDRS is a licensed Australian derivatives trade repository, as well as a Singapore licensed trade repository (“LTR”). DDRS, together with other locally registered DTCC trade repository (“TR”) subsidiaries, is a part of DTCC’s Global Trade Repository service (“GTR”), which provides services for a significant portion of the global over-the-counter (“OTC”) derivatives market with operations in the U.S., Europe and Asia. As the only industry-owned and governed global provider of trade reporting services, GTR is uniquely positioned to identify and help address important operational and regulatory challenges and has been a long-term advocate for globally harmonized reporting requirements.

Global Harmonization

DDRS fully supports ASIC’s efforts to implement a globally consistent set of core data elements. Key data elements and corresponding data specifications that align across jurisdictions create the basis of a common data reporting vocabulary, which is necessary for cross border information sharing and data aggregation in support of systemic risk monitoring. DDRS believes that the proposed revisions to the trade data elements represent a noteworthy improvement over current requirements and could lead to more harmonized global reporting. Such purposeful harmonization could alleviate the costs and operational complexity associated with reporting and improve data quality by standardizing trade details

¹ ASIC CONSULTATION PAPER 334: Proposed changes to simplify the ASIC Derivative Transaction Rules (Reporting): First consultation (November 27, 2020), available at <https://download.asic.gov.au/media/5984831/cp334-published-27-november-2020-updated-22-february-2021.pdf>.



necessary for understanding trading activity in the OTC derivatives market. DDRS also believes that these efforts further the G20's objective of creating a global reporting system that enables regulators across jurisdictions to detect and mitigate systemic risk.

Upon review of the Consultation, DDRS notes, however, that there appear to be deviations with respect to core data elements that could frustrate global harmonization efforts. DDRS is wary that such deviations could inadvertently result in bespoke data reporting requirements, which could impede cross-jurisdictional consistency with respect to reportable derivatives data elements, the underlying technical specifications, and the messaging requirements.

1. CDE Technical Guidance

To achieve harmonization and reduce operational complexities for market participants in a manner that also increases the usefulness of the data for cross-jurisdictional risk surveillance purposes, it is our view that the CDE Technical Guidance ("CDE TG")² should be updated to improve relevance and standardization. Where data elements are adopted and implemented by all regulators in the format as described by the CDE TG, consistency is achieved. Thus, while ASIC's proposed adoption of CDE TG appears to align with at least one jurisdiction, a commonly adopted set of critical data elements and technical specifications is necessary for regulators across the globe to share and aggregate data in support of global systemic risk monitoring. The lack of a globally consistent adoption of CDE TG will continue to impede progress on achieving the policy goals of data harmonization. As such, we encourage ASIC to continue to work with other regulators to promote adoption of a required set of data elements.³

2. ISO 20022

CPMI-IOSCO suggested that the CDE TG should be defined and maintained in the ISO 20022 data dictionary, arguing that it will facilitate their inclusion into standardized messages and help participants program critical data elements ("CDE") into electronic messaging systems, thus encouraging a systemic approach to CDE TG implementation. In this regard, we note that other jurisdictions have selected or are contemplating using the ISO 20022 standards and messaging methodology for their reporting requirements, and that ASIC is currently reviewing the options in preparation for making a proposal in April 2021 in the second consultation.

DTCC supports regulators' move to adopt a common data standard for reporting to TRs. We believe a common data standard and technical format of reporting would be beneficial to keeping data consistent across TRs, as well as across jurisdictions. We note that the ISO 20022 CDE Message Schema for OTC Derivatives is still under development and additional time is necessary to permit a rigorous evaluation of the message model to make sure the format is fit for purpose, as well as to increase the opportunity for a coordinated, cross-jurisdictional adoption. We further note that once the ISO 20022 XML schema is made available to market participants, a meaningful implementation period will be necessary to facilitate adoption. Thus, we encourage ASIC to continue to work closely with the industry and regulators to adopt a common messaging methodology, with aligned implementation targets. Such efforts would reduce operational complexities and costs associated with implementation of the ISO 20022 CDE Message Schema for OTC Derivatives.

² See CPMI-IOSCO, Technical Guidance, Harmonisation of Critical OTC Derivatives Data Elements (other than UTI and UPI) (April 2018), available at <https://www.iosco.org/library/pubdocs/pdf/IOSCOPD598.pdf> ("CDE Technical Guidance").

³ For the CDE Technical Guidance, there were 110 proposed data elements that regulators agreed should be standard and could be used in each jurisdiction to address the issue of jurisdictional differences. Each regulator could implement CDE and still ask for additional data elements as an extension to the standards if they felt that the 110 data elements in the proposed guidelines were insufficient for their needs. However, as we write this, there are warning signals that these harmonization efforts could fall short, resulting in all industry participants upgrading their systems to be compliant with the new requirements only to continue to face an inconsistent approach to global reporting. We have conducted an analysis across several jurisdictions and have uncovered that fewer than half of the CDE are being adopted in a consistent manner. We are happy to have a more detailed discussion with ASIC to discuss the results of this analysis and the additional insights that can be gleaned therefrom.



3. General Observations on Standard Identifiers

When it comes to identifiers, such as Unique Product Identifier (“UPI”), Legal Entity Identifiers (“LEI”), and Unique Transaction Identifiers (“UTI”), DDRS believes that global adoption of the same identification paradigms is critical to allow for the aggregation of data across jurisdictions. We support ASIC’s efforts to engage with other regulatory bodies on these matters and we offer the following observations for ASIC’s consideration.

In 2019, the Financial Stability Board (“FSB”) announced the designation of the Derivatives Service Bureau as the sole service provider for the future UPI system, which will uniquely identify the product involved in an OTC derivatives transaction. At present, the set of UPI Reference Data elements is still in development and the timeline to complete this work is unclear. We encourage ASIC to monitor the progress of this work closely and provide clarity around the reporting of product-related data elements if it appears that the UPI project will not be completed in time for rewrite implementation. In such event, clarity around the transition to a UPI system would also be necessary.

With respect to LEI, DDRS supports its use as the key identifier for parties to transactions. In addition, DDRS recommends that ASIC adopt the enhancements to the Global LEI System (“GLEIS”), which would allow for the granular identification of counterparties, including the use of distinct LEIs for international branches.⁴

Regarding the proposals around UTI, we do not think TRs are the appropriate entity to generate UTIs under any circumstance. Identifiers are required for many upstream processes and therefore should be generated much closer to execution than would be required for reporting purposes. The further from execution that an identifier is generated, the greater the risk of operational errors that could affect the accuracy of the reported data.

Specific Responses

In addition to the above, DDRS offers the following more specific comments with respect to the Consultation, with responses to specific questions included in Appendix A.

The Consultation seeks industry feedback on the existing alternative reporting frameworks and identifies a number of concerns related to each framework. DDRS shares the concerns raised by ASIC in the Consultation. In light of the observations set forth in the Consultation regarding the operational complexities associated with implementation of an alternative reporting framework and the lack of widespread adoption by other jurisdictions, DDRS supports the removal of such framework. DDRS also notes that under current and proposed reporting standards, there is no mechanism for identifying ASIC in the message being used for reporting relevant transactions in other jurisdictions, and thus no mechanism for reliably identifying what was reported under the guise of alternative reporting.

DTCC welcomes the opportunity to discuss these comments with ASIC at its convenience. Please contact me at [REDACTED].

Sincerely,

[REDACTED]

Oliver Williams
CEO
DTCC Data Repository (Singapore) Pte Ltd (DDRS)

⁴ See generally *LEI Regulatory Oversight Committee (ROC)*, Including data on international/foreign branches in the Global LEI System (July 11, 2016), available at https://www.lei.roc.org/publications/gls/roc_20160711-1.pdf.



APPENDIX A

Proposal	Feedback guidelines	DTCC response
<p>C1 We propose to set out the UTI structure and format in a technical specification and the text of UTI rules for transaction events in the ASIC Rules.</p>	<p>C1Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	<p>We are supportive of a technical specification that provides clarity and details on technical format and validation requirements. Similarly, we believe putting UTI rules into the Rules improves clarity and helps industry to align understanding and practice in UTI.</p>
	<p>C1Q2 Do you consider that the UTI Guidance concerning the impact of the transaction events on the UTI is sufficiently clear or are there uncertainties that we should take into account when drafting the text for the ASIC Rules? In your response, please give detailed reasons for your answer.</p>	<p>While we do not have particular concerns on the UTI Guidance concerning the impact of the transaction events, we encourage global consistency on the practice of using existing UTI vs new UTI concerning transaction events. For this purpose, we prefer jurisdictional regulatory rules on UTI follow the UTI Guidance.</p>
<p>C2 We propose to implement UTI Guidance step 1 (CCP), UTI Guidance step 2 (clearing member) and UTI Guidance step 3 (trading platform) as steps 1, 2 and 3 respectively in the ASIC Rules for UTI generation and reporting.</p>	<p>C2Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	
	<p>C2Q2 Do you consider that, in addition to uncertainties about the globally common recognition, for UTI rules' purposes, of CCPs, clearing members and trading platforms and the manner and timing of implementing UTI generation obligations, there are other uncertainties or implementation risks in relation to implementing these steps 1, 2 and 3 as UTI rules within the ASIC Rules? In your response, please give detailed reasons for your answer.</p>	
	<p>C2Q3 Do you consider that, in addition to considering temporary exemptions for jurisdictional implementation timing differences, there are other steps that ASIC could take or other provisions or exemptions that ASIC could consider to resolve or minimize the uncertainties or implementation risks? In your response, please give detailed reasons for your answer.</p>	
<p>C3 In principle, we propose to implement the elements of Table 4 as the steps of UTI rules for single-jurisdictional transactions within the ASIC Rules. As these</p>	<p>C3Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	



<p>steps are intended to align with the EU rules, our proposal is subject to the final EU rules.</p>		
	<p>C3Q2 Do you consider that either option 1 or option 2 or both should not be adopted in the ASIC Rules? In your response please give detailed reasons for your answer.</p>	
	<p>C3Q3 Noting that the proposal would not include the step of a UTI generator determination by agreement between the counterparties under option 2, do you consider that this form of UTI generator determination should be a step in the UTI rules within the ASIC Rules? In your response please give detailed reasons for your answer.</p>	
	<p>C3Q4 Noting that the proposal focuses on aligning with the final EU rules, do you consider there are other specific jurisdictions where aligning with UTI rules should be of greater focus? In your response please give detailed reasons for your answer.</p>	
	<p>C3Q5 Do you consider there are combinations of types of counterparties to a single-jurisdictional transaction where the UTI generator may not be determinable or would determine the UTI generator as a type of counterparty that is not your preferred UTI generator outcome? In your response please give detailed reasons for your answer.</p>	
	<p>C3Q6 Do you have any other comments about the proposal?</p>	
<p>C4 We are not making a formal proposal in relation to a UTI cross-jurisdictional test at this time but we seek your feedback as set out below.</p>	<p>C4Q1 Do you consider that the approach outlined in paragraphs 103–107 would assist in clarifying the determination of a UTI generator? In your response, please give detailed reasons for your answer.</p>	
	<p>C4Q2 Do you consider that the capacity in which a counterparty is acting should include any status information that would overarchingly impact on a UTI generator determination? In your response, please give detailed reasons for your answer.</p>	
	<p>C4Q3 Do you consider there are significant impediments for you in obtaining such capacity information from your counterparties or conveying such capacity information to them? In your response, please give detailed reasons for your answer.</p>	



	<p>C4Q4 Do you consider there are particular transaction circumstances (such as counterparty domicile/branch location/status combinations) where the approach outlined in paragraphs 103–107 would not assist in clarifying how to determine a UTI generator? In your response, please give detailed reasons for your answer.</p>	
	<p>C4Q5 Do you have any other comments about the approach outlined in paragraphs 103–107?</p>	
<p>C5 We are not making a formal proposal in relation to a method for determining the jurisdiction with the sooner deadline for reporting at this time but we seek your feedback as set out below.</p>	<p>C5Q1 Do you consider there is uncertainty in how the UTI Guidance’s ‘sooner deadline for reporting’ test is interpreted? In your response, please give detailed reasons for your answer.</p>	
	<p>C5Q2 Do you consider we have correctly identified the possible interpretations? In your response, please give detailed reasons for your answer.</p>	
	<p>C5Q3 Do you have a preferred single interpretation? In your response, please give detailed reasons for your answer.</p>	
	<p>C5Q4 Do you have any other comments about this issue?</p>	
<p>C6 In principle, we propose that the UTI generator rules for a cross-jurisdictional transaction are the same rules as for a single-jurisdictional transaction.</p>	<p>C6Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	
	<p>C6Q2 Do you agree that the above rules will provide the same UTI generator outcome in a transaction between an Australian entity and an EU financial counterparty, whether under the ASIC Rules or the ESMA proposals for EU rules? In your response, please give detailed reasons for your answer.</p>	
	<p>C6Q3 Do you agree that there can be the outcome (described in paragraph 134) that an EU non-financial counterparty is the UTI generator in a transaction with an Australian reporting entity but not in a transaction with an EU financial counterparty? In your response, please give detailed reasons for your answer.</p>	
	<p>C6Q4 Do you consider there are other particular transaction circumstances (such as counterparty domicile/branch location/status/jurisdictional combinations) where there may be similar differences in a UTI generator outcome? In your response, please give detailed reasons for your answer.</p>	



	C6Q5 Do you have any other comments about the proposal?	
C7 We are not making a formal proposal for 'special purpose' rules as discussed at paragraphs 135–139 at this time but we seek your feedback as set out below.	C7Q1 Do you consider there is merit in considering a 'special purpose' rule that would, in effect, deem the CFTC to be the sooner jurisdiction in all such cross-jurisdictional transactions? In your response, please give detailed reasons for your answer.	
	C7Q2 Do you consider there are particular transaction circumstances (such as counterparty domicile/branch location/status/jurisdictional combinations) where there may be unintended complexities or conflicts with other jurisdictions' rules under this approach? In your response, please give detailed reasons for your answer.	
	C7Q3 Do you consider there may be other cross-jurisdictional situations which may also merit a 'special purpose' UTI rule? In your response, please give detailed reasons for your answer.	
	C7Q4 Do you have any other comments about this issue?	
C8 In principle, we propose to provide for an ultimate determinant as per the UTI Guidance.	C8Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	We do not think TRs are the appropriate entity to generate UTIs under any circumstance. Identifiers are required for many upstream processes and therefore should be generated much closer to execution than would be required for reporting purposes.
C9 We intend to propose that the ASIC Rules require that ASIC reporting entities, when acting as a UTI generator, generate a UTI and provide it to their counterparty with an obligation of timeliness.	C9Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	
	C9Q2 Do you consider that an obligation of timeliness should refer to a fixed deadline (e.g. T+1, 12:00 a.m. Sydney) or as an amount of time after transaction execution (e.g. 12 hours) or as another timeliness reference? In your response, please give detailed reasons for your answer.	
	C9Q3 Do you consider there should be different obligations of timeliness for single-jurisdictional transactions and cross-jurisdictional transactions? In your response, please give detailed reasons for your answer.	



<p>C10 We may propose in the second round of consultation that the ASIC Rules include requirements on reporting entities to report their own UTI when they do not receive the UTI from the other UTI generator and to re-report using that second UTI when it is received.</p>	<p>C10Q1 Do you agree that we should propose such requirements? In your response, please give detailed reasons for your answer.</p>	<p>We encourage global consistency on the reporting requirement under the scenario that UTI is not received from the other UTI generator. In addition, we believe ASIC should provide additional guidance with respect to the following questions: (1) How to determine if the re-reporting using second UTI is late reporting or not? (2) Is "Prior UTI" required to be reported in the re-reporting? (3) What is the Action Type and Event Type when re-reporting the second UTI?</p>
	<p>C10Q2 What are the kinds of requirements that you consider we should take into account when drafting such a proposal? In your response, please give detailed reasons for your answer.</p>	
<p>E1 We propose to include in the ASIC Rules the data elements related to dates and timestamps set out in Table 7.</p>	<p>E1Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	
	<p>E1Q2 In relation to 'effective date', do you consider that:</p>	
	<p>(a) there is a need to clarify the meaning of 'effective date';</p>	
	<p>(b) there are particular types of transactions for which determining 'effective date' is problematic; or</p>	
	<p>(c) in the absence of a determinable 'effective date', 'execution timestamp' should be reported instead?</p>	<p>We encourage the regulatory rules to be more prescriptive where possible to provide industry with clarity in reporting requirements.</p>
	<p>In your response, please give detailed reasons for your answer.</p>	
	<p>E1Q3 Do you agree that 'event timestamp' should be a timestamp data element and not a date data element? In your response, please give detailed reasons for your answer.</p>	<p>We notice the difference in the granularity in this field: EMIR Date vs CFTC Datetime. Since ASIC reporting requirements are on a T+1 basis, we believe the time portion is not essential.</p>
	<p>E1Q4 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 7? In your response, please give detailed reasons for your answer.</p>	



<p>E2 We propose to include in the ASIC Rules the data elements related to counterparties and beneficiaries set out in Table 8.</p>	<p>E2Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	<p>We have the following comments.</p> <p>A. "Beneficiary 1" and "Beneficiary 1 Type": To align with recent changes implemented in other jurisdictions, DDRS recommends that ASIC consider removing these Beneficiary fields. In addition, DDRS notes that the Beneficiary information is frequently duplicative in that this information is often the same as the Counterparty 1 (reporting counterparty) information.</p> <p>B. "Reporting entity": We suggest that ASIC consider renaming this field to "Entity responsible for reporting" to minimize confusion with "reporting counterparty," which is Counterparty 1.</p> <p>C. "Execution agent of counterparty 1": We agree that this field is valuable. However, it is not part of CDE and has not been adopted by other jurisdictions. We recommend that IOSCO add this field to CDE if regulators agree in adopting this field. In addition, we note that Paragraph 219 uses the following language in reference to 'execution agent of counterparty 1': "one or more in-house or external fund managers". Although the technical specifications are expected to be provided in a future consultation, we believe that multiple values should not be allowed when reporting under this field. In other words, only a single execution agent should be allowed for each transaction.</p> <p>D. "Nature of counterparty 2": This field has an ASIC specific definition. For all jurisdictional specific fields, we recommend that regulators consider adopting a naming convention to indicate it is jurisdiction specific. For instance, ASIC should consider adding a naming prefix "ASIC – XXXX" to this field.</p>
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	<p>E2Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 8? In your response, please give detailed reasons for your answer.</p>	<p>See E2Q1</p>
	<p>E2Q3 In relation to 'reporting entity', do you consider that this should be reported in all circumstances or only reported where it is a different entity to 'counterparty 1 (reporting counterparty)?</p>	<p>We strongly believe that "reporting entity" ('entity responsible for reporting') should be reported in all circumstances. There will be concerns in the implementation if it is not made mandatory, which has an implicit assumption that Counterparty 1 is the reporting entity for all scenarios where reporting entity is not populated. This assumption may not be feasible to enforce in practice. For example, a trade may be first reported with blank 'reporting entity' and then subsequently provided via an update.</p>
<p>E3 We propose to include in the ASIC Rules the data elements for 'direction' that make the same elections as proposed by ESMA—that is, the data elements 'Direction 1', 'Direction 2—Leg 1' and 'Direction 2—Leg 2': see Table 10.</p>	<p>E3Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	<p>We are supportive of the proposed approach and agree that under this approach: (a) less data elements are required; and (b) the information is more intuitively organized as the roles of counterparty 1 rather than which counterparty takes which role. In addition, the other approach which asks for a second copy of the LEI of Counterparty 1/2 may increase reporting errors.</p> <p>In view of the different approaches adopted across jurisdictions, we recommend that global regulators work together to eliminate cross-jurisdictional differences. CPMI-IOSCO should consider updating the CDE Technical Guidance to agree on one unified approach instead of providing optionality.</p> <p>ESMA guideline on determine payer/receiver - ASIC to consider (alphabetical order of currency pair)</p>
	<p>E3Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 10? In your response, please give detailed reasons for your answer.</p>	<p>We encourage global regulators to provide clear and consistent guidance in determining payer/receiver for products such as FX Forwards.</p>
<p>E4 We propose to include in the ASIC Rules the data elements related to clearing, trading, confirmation and settlement set out in Table 11.</p>	<p>E4Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	<p>We agree with the proposal. We would, however, recommend using the naming convention "Venue of Execution" for this data element in lieu of "Platform identifier." While differences in naming conventions may not cause extensive operational</p>



		issues, we believe global alignment will avoid confusion.
	E4Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 11? In your response, please give detailed reasons for your answer.	
E5 We propose to include in the ASIC Rules the data elements related to regular payments set out in Table 12.	E5Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	
	E5Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements in Table 12? In your response, please give detailed reasons for your answer.	
E6 We are considering a proposal, in the second round of consultation, to include in the ASIC Rules the data elements related to the floating rate reset frequency set out in Table 13.	E6Q1 Do you agree that we should consider a proposal, in the second round of consultation, to include these data elements in the ASIC Rules? In your response, please give detailed reasons for your answer.	
	E6Q2 For transactions where the frequency of resets of the floating rate differ from the frequency of the reference rate itself, please provide feedback about:	
	(a) the incidence of these types of transactions in your own dealings; and	
	(b) whether other data elements—for example, payment frequency—could be relied on, in all cases or in most cases or in few cases, to infer the 'floating rate reset frequency (period/period multiplier)'.	
	E6Q3 Do you consider that you will have particular interpretation or implementation issues with the data elements in Table 13? In your response, please give detailed reasons for your answer.	
E7 We propose to include in the ASIC Rules the data elements related to valuation set out in Table 14.	E7Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	We agree with the proposed field set for Valuation reporting. We also support the inclusion of "Delta" into valuation reporting for global consistency.



	E7Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements in Table 14? In your response, please give detailed reasons for your answer.	For Valuation Amount, we are aware that there are discussions on adjusted (with exit cost counted) vs unadjusted valuation amounts, and we agree that this issue needs to be standardized across jurisdictions.
E8 We propose to include in the ASIC Rules the data elements related to collateral and margins set out in Table 15.	E8Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	
	E8Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 15? In your response, please give detailed reasons for your answer.	
E9 We do not propose to include in the ASIC Rules the data elements related to counterparty rating triggers set out in Table 16.	E9Q1 Do you agree with this proposal? If not, please give detailed reasons for your answer.	We agree on the exclusion of the two fields, which is in line with other jurisdictions.
E10 We propose to include in the ASIC Rules the data elements related to prices set out in Table 18.	E10Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	We agree with the proposal. In addition, on the relevant fields that CDE allows both "Decimal" values and "Percentage" values, we are supportive of the Decimal approach. This aligns with our experience that many trading systems provide pricing using Decimal notation. However, we note that other jurisdictions have taken a different approach which requires "Percentage" rather than "Decimal". We encourage regulators to work together on a unified approach to eliminate cross-jurisdictional differences. It is also our view that the CDE TG should be updated to a standardized approach rather than allowing multiple options.
	E10Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements in Table 18? In your response, please give detailed reasons for your answer.	
E11 We are considering proposing, in the second round of consultation, to include in the ASIC Rules the data elements related to prices set out in Table 19.	E11Q1 Do you agree that we should consider a proposal, in the second round of consultation, to include these data elements in the ASIC Rules? In your response, please give detailed reasons for your answer.	
	E11Q2 For transactions involving 'price schedules' or 'strike price schedules', please provide feedback about:	



	(a) the incidence of such types of transactions in your own dealings; and	
	(b) whether you prefer to provide this information in your initial transaction report as a 'schedule' rather than reporting the changes according to the 'schedule' in subsequent transaction reports.	
	E11Q3 For transactions where 'first exercise date' would be reported as a value that is not otherwise reported in another data element, please provide feedback about the incidence of such types of transactions in your own dealings and any other feedback.	
	E11Q4 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 19? In your response, please give detailed reasons for your answer.	
E12 We propose to include in the ASIC Rules the data elements related to notional amounts and quantities set out in Table 20.	E12Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	We are supportive of the proposal. In particular, 1. Call / Put Notional and Currency: We are supportive of the adoption of the CDE Technical Guidance of these fields for FX Options. 2. Delta: We encourage global consistency in terms of reporting "Delta" and therefore we recommend that ASIC consider revising its proposal to adopt the approach used in other jurisdictions.
	E12Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 20? In your response, please give detailed reasons for your answer.	
	E12Q3 Do you consider that the identification of which currency data elements are the call option/put option data elements in a foreign exchange option could, or should, be simplified by, for example, only specifying the call currency? In your response, please give detailed reasons for your answer.	
E13 We are considering proposing, in the second round of consultation, to include in the ASIC Rules the data elements related to notional quantities set out in Table 21.	E13Q1 Do you agree that we should consider a proposal, in the second round of consultation, to include these data elements in the ASIC Rules? In your response, please give detailed reasons for your answer.	
	E13Q2 For transactions involving 'notional quantity schedules', please provide feedback about:	
	(a) the incidence of such types of transactions in your own dealings; and	



	(b) if the relationship between quantity, price and notional can be relied on to infer a 'notional quantity schedule' from a 'notional amount schedule'; and	
	(c) whether you prefer to provide this information in your initial transaction report as a 'schedule' rather than reporting the changes according to the 'schedule' in subsequent transaction reports.	
	E13Q3 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 21? In your response, please give detailed reasons for your answer.	
E14 We propose to include in the ASIC Rules the data elements related to CDS index transactions set out in Table 22.	E14Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	We do not support the inclusion of "Index factor." We believe the CDE Technical Guidance was correct to exclude this. The information Index Factor provides is publicly available (an attribute of the index) and, given the operational complexities introduced with additional requirements, it should not be required to be reported at the transaction level.
	E14Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 22? In your response, please give detailed reasons for your answer.	
E15 We propose to include in the ASIC Rules the data elements related to other payments set out in Table 23.	E15Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	
	E15Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 23? In your response, please give detailed reasons for your answer.	



<p>E16 We propose to include in the ASIC Rules the data elements related to packages and links set out in Table 24.</p>	<p>E16Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	<p>We have the following comments.</p> <p>1. On Package fields: In our view, cross-jurisdictional alignment is needed on the definition of Package transactions. Without global alignment, the same transaction may be deemed as a package in one jurisdiction but not in another, leading to difficulty in cross-jurisdictional reporting and hindering data aggregation across borders. The CDE Technical Guidance states that a package “may include reportable and non-reportable transactions.” -We note that this option is not included in ASIC’s proposed definition, and we encourage the full adoption of the CDE to provide clarity on reportable and non-reportable transactions.</p> <p>2. Event identifier: We believe this data element should only be used in “many to many” or “many to one” scenarios of events, and “Prior UTI” should be used for scenarios otherwise. We seek clarification on the usage of this field for credit events. In addition, we note that similar fields have been adopted in other jurisdictions in an inconsistent manner. As discussed above, we encourage regulators to work together on cross-jurisdictional alignment.</p>
	<p>E16Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 24? In your response, please give detailed reasons for your answer.</p>	
<p>E17 We propose to include in the ASIC Rules the data elements related to custom baskets set out in Table 25.</p>	<p>E17Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	<p>Although these data elements are included in the CDE Technical Guidance, there are implementation challenges that we would like to point out. Specifically, if this proposal is adopted, DDRS expects an increasing number of modifications would be reported as custom baskets can be modified or rebalanced on a frequent basis.</p>
	<p>E17Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 25? In your response, please give detailed reasons for your answer.</p>	



<p>E18 We are considering proposing, in the second round of consultation, to include in the ASIC Rules the data elements related to custom baskets set out in Table 26.</p>	<p>E18Q1 Do you agree that we should consider a proposal, in the second round of consultation, to include these data elements in the ASIC Rules? In your response, please give detailed reasons for your answer.</p>	<p>We acknowledge these are fields described in the CDE TG, but we would like to point out that if this is implemented as proposed, a large number of modifications are expected to be reported, given custom baskets can be modified / rebalanced on a frequent basis.</p>
	<p>E18Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 26? In your response, please give detailed reasons for your answer.</p>	
<p>E19 We propose to include in the ASIC Rules the non-CDE data elements set out in Table 27.</p>	<p>E19Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	<p>a. Action Type and Event Type are key fields for processing data and global alignment is crucial in terms of allowed values, intended usage, and enumerated code convention. In addition, we note that "Action Type" is also applicable for collateral reporting in one jurisdiction with a shorter and different list of values. b. Report submitting entity ID: We support including "Report submitting entity ID." In our view, these fields together with "Action Type" and "Event Type" should be added into the CDE Technical Guidance. c. Reporting timestamp: we note that "Reporting timestamp" is actually part of CDE TG (data element 2.4). d. Jurisdiction: we note that the ASIC proposal referenced this field as a CFTC field, but since international swaps are no longer in reporting scope for CFTC, the CFTC has repurposed this field to indicate if it is SEC or CFTC or mixed reporting, and hence it should not be an applicable field as is for ASIC.</p>
	<p>E19Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 27? In your response, please give detailed reasons for your answer.</p>	
<p>E20 We are considering proposing, in the second round of consultation, to include in the ASIC Rules the data elements related to custom baskets set out in Table 28.</p>	<p>E20Q1 Do you agree that we should consider a proposal, in the second round of consultation, to include these data elements in the ASIC Rules? In your response, please give detailed reasons for your answer.</p>	<p>Please refer to response E18.</p>



	E20Q2 Do you consider that you will have particular interpretation or implementation issues with the data elements set out in Table 28? In your response, please give detailed reasons for your answer.	Please refer to response E18.
E21 We propose to develop and prescribe technical specifications to the ASIC Rules as a writing that is applied under the ASIC Rules as in force or existing from time to time.	E21Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	We support technical specifications that provide clarity on the technical details on format, allowed values and optionality (mandatory vs optional), which is deemed as useful guidance to the industry on implementation.
	E21Q2 Do you suggest that we should model the form of a technical specification on one or more existing technical specification related to transaction reporting? In your response, please give detailed reasons for your answer.	
F1 We propose to amend the ASIC Rules to:	F1Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	
(a) require that entity identifiers must be valid and duly renewed LEIs (other than for entities that are natural persons not acting in a business capacity); and	F1Q2 Do you consider that you will have particular interpretation or implementation issues with the proposed LEI requirements? In your response, please give detailed reasons for your answer.	No, we do not believe we will have implementation issues with the proposed requirements.
(b) require that transactions that have been reported with entity identifiers that are not valid and duly renewed LEIs have their transaction information updated to include a valid and duly renewed LEI.		We note that the use of current LEI is already mandated by other jurisdictions for OTC derivatives trade reporting, as well as a number of other regulatory obligations.
F2 We propose to repeal section 6 'Exemption 2 (Entity Information)' and section 6B 'Exemption 2B (Joint Counterparties)' of ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844 in relation to reporting entities other than reporting entities that are foreign subsidiaries of Australian reporting entities.	F2Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	Yes, we agree with the proposal.



	F2Q2 Do you consider that you will have particular interpretation or implementation issues with the proposed LEI requirements? In your response, please give detailed reasons for your answer.	
G1 We propose to amend the ASIC Rules to:	G1Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	
(a) exclude from meaning of a reportable transaction a transaction for spot settlement, with specific rules text to be proposed in the second round of consultation;	G1Q2 Do you consider that the Singapore and Hong Kong definitions for a spot contract are an appropriate basis for an equivalent definition in the ASIC Rules? Are there other definitions that you consider we should also take into account? In your response, please give detailed reasons for your answer.	
(b) exclude from the meaning of an OTC derivative those derivatives that fall within a generic definition of an exchange-traded derivative, with specific rules text to be proposed in the second round of consultation.	G1Q3 Do you consider that the existing generic definition in the exemption is an appropriate basis for an equivalent definition in the ASIC Rules? Are there other definitions that you consider we should also take into account? In your response, please give detailed reasons for your answer.	
	G1Q4 Do you consider that the design of this exclusion should include 'avoidance of doubt' references to certain classes of financial markets, a requirement to notify ASIC of financial markets that a reporting entity considers trades exchange-trade derivatives and/or a form of 'disallowance' determination that empowers ASIC to determine that certain derivatives are not exchange-traded derivatives? In your response, please give detailed reasons for your answer.	
G2 We propose to amend the ASIC Rules to:	G2Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.	
(a) ensure that transactions with Australian retail clients are reportable transactions with specific rules text to be proposed in the second round of consultation; and		
(b) to clarify the scope of reporting for foreign subsidiaries of Australian entities with specific rules text to be proposed in the second round of consultation.		



<p>H1 In this first consultation we seek to gather information about the scope and practices of reporting entities undertaking alternative reporting in order to better inform any future proposals we may make in relation to alternative reporting in the second round of consultation.</p>	<p>H1Q1 We request that reporting entities that are current users of alternative reporting identify themselves to us and engage in discussion with us about their alternative reporting practices. In particular:</p>	<p>We support the removal of this reporting framework as we understand the challenges around the operational implementation of alternative reporting due to the difference models supported by the other jurisdictions globally. We are open to further discussions with ASIC around this proposal.</p>
	<p>(a) to which ASIC prescribed repository do you report?</p>	
	<p>(b) how do you 'designate' the reporting as information that has been reported under the ASIC Rules?</p>	
<p>H2 In principle, we consider the most effective approach to addressing our concerns in relation to delegated reporting is to amend the ASIC Rules to remove the 'safe harbour' provisions and revert to reporting entities having responsibilities for reporting as otherwise set out in the ASIC Rules.</p>	<p>H2Q1 In this first consultation we seek to gather information about the practices of reporting entities in overseeing their delegates in order to better inform any future proposals we may make in relation to delegated reporting in the second round of consultation. In particular:</p>	
	<p>(a) What are the specific processes and practices that you rely on to determine if the delegate is complying with the terms of the delegation agreement and to ensure that complete, accurate and current reporting is being carried out on your behalf?</p>	
<p>I1 We propose to clarify in the ASIC Rules that the deadline for reporting for the purposes of the UTI rules within the ASIC Rules is a singular time referring to Sydney time.</p>	<p>I1Q1 Do you agree with our proposal to clarify the deadline for reporting for the purposes of the UTI rules within the ASIC Rules? In your response, please give detailed reasons for your answer.</p>	
	<p>I1Q2 Do you consider there should be a single deadline for reporting that is applicable to both the UTI rules and the actual reporting obligation? In your response, please give detailed reasons for your answers.</p>	
	<p>I1Q3 Do you consider that such a singular time should be expressed as a precise time such as 11.59 pm or as the end of the day? In your response, please give detailed reasons for your answers.</p>	



<p>I2 We are considering a proposal in the second round of consultation to amend the ASIC Rules to require lifecycle reporting for all reportable transactions.</p>	<p>I2Q1 Do you agree that we should propose such requirements? In your response, please give detailed reasons for your answer.</p>	<p>Since other jurisdictions require lifecycle reporting for reportable transactions, we support this proposal for global alignment.</p>
	<p>I2Q2 Do you consider that you will have particular interpretation or implementation issues with 'lifecycle reporting' for all reportable transactions? In your response, please give detailed reasons for your answer.</p>	<p>For reporting and processing of lifecycle events, "Action type" and "Event type" are key fields and global alignment is crucial.</p>
<p>I3 We propose to repeal or amend the relevant outdated provisions of the ASIC Rules</p>	<p>I3Q1 Do you agree with this proposal? In your response, please give detailed reasons for your answer.</p>	<p>We agree as this is a globally consistent approach for lifecycle reporting. Please refer to our response to Proposal I2.</p>