

FESE feedback on Commission initiatives on data

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FESE supports the plan of the European Commission in proposing an overarching data strategy that has the potential to achieve the benefits of the single market. To this end, we believe a harmonised European approach is preferable to speed up the use/investment in technologies while effectiveness, fairness, proportionality, the international competitiveness of the EU market, and the safety of its people should be a guiding principle.

We consider that regulators possess the appropriate tools to act effectively to prepare a harmonised approach. To avoid overregulation and/or ambiguity, special attention should be given as well to potential overlapping provisions. The Commission has produced an increasing number of initiatives in the data space. This non-exhaustive list includes:

- European strategy for data
 - Data Governance Act (DGA)
 - Implementing act on high-value datasets
 - Data Act
 - Supervisory data collection strategy
 - Further open-finance initiatives
- European Single Access Point
- Consolidated Tape under MiFID II/R

FESE is concerned that the scope of the various initiatives might overlap to a significant degree. For example, it is still unclear whether and to what extent the products and services provided by trading venues are covered by the DGA proposal, and what would be covered, instead, in the potential scope of the "Data Act". Besides this, it is not clear how these proposals would relate in terms of sector-specific rules and regulations for the financial sector.

Furthermore, we took note that the "Supervisory data collection strategy" aims at considering several horizontal measures that contribute to the overall objective of improving supervisory data collection (i.e. B2G relations). The "Data Act", in a similar fashion, aims to ensure access and use of data for, inter alia, B2B and B2G situations. Hence, from our perspective, there is a clear overlap in scope.

The same can be traced under the ESAP proposal and the Commission implementing act on high-value datasets. Both have the objective of defining/establishing a dataset for financial and non-financial data and company information, albeit in different formats. These separate initiatives are under the remit of different DGs in the Commission (DG FISMA and DG CNECT).

The Commission should clarify and better define the scope of these initiatives. Legislative proposals should be designed to be proportionate to the existing business environment. From our perspective, these should not introduce new mandatory disclosure, access to data, or reporting requirements as there is a concrete risk of unnecessary duties duplication for both issuers and regulated markets. Furthermore, the possibility of gold-plating from Member States would exacerbate these risks.

Against this background, we call for a holistic approach that supports the EU's objective of enhancing the CMU for issuers and investors. An ill-designed data strategy will increase compliance cost for the financial sector, including trading venues and issuers, further

fragmenting the virtual space where information/data is reported. This could create more barriers to investments.

FESE wishes to underline the need to recognise the importance of supervisors' understanding of supervised stakeholders and the markets where they operate. The right balance must be struck, within the European supervisory system, between a centralised European approach and the role of NCAs. For the same information, issuers and trading venues should report to one authority only, making it a simple and straightforward approach.

FESE urges the Commission to perform a general assessment of both the current proposals being discussed as well as those to come in the future. All data-related initiatives should be analysed in a harmonised and holistic fashion, characterised by strong cooperation and communication between the different DGs. We stand ready to provide the Commission with further clarity on the information reported by regulated markets.