

ESMA ISSUES OPINIONS ON POSITION LIMITS UNDER MIFID II

ESMA's opinions agree with the proposed position limits regarding:

- ICE Endex Dutch TTF Gas contracts
- EEX Phelix DE Base Power contracts
- EEX Capesize TC5 Freight contracts
- EEX Spanish Power Base contracts
- MEFFPOWER Baseload contracts

ESMA found that the proposed position limits are consistent with the objectives established in MiFID II and with the methodology developed for setting those limits.

In addition to the five opinions above, ESMA published two opinions on the proposed position limits regarding the OMIP SPEL Base contracts. The first opinion relates to the position limits initially notified by Comissão do Mercado de Valores Mobiliários (CMVM) which ESMA did not find consistent with the objectives established in MiFID II. In such circumstances, Article 57(5) of MiFID II requires the competent authority concerned to modify the position limits in accordance with ESMA's opinions or provide ESMA with justification why the change is considered to be unnecessary. In December 2019, CMVM accordingly notified ESMA of revised position limits for the OMIP SPEL base contracts. ESMA agreed with those revised position limits in a subsequent opinion which also has been published today.

ESMA will continue to assess the notifications received and issue opinions in order to ensure that the position limits are set in accordance with the MiFID II framework.