

ESMA publishes Annual Report on the application of waivers and deferrals for equity instruments

The report includes an analysis based on waivers for equity and equity-like instruments for which ESMA issued an opinion to the competent authority in the period between 1 January and 31 December 2019. It also includes an overview of the deferral regime for equity and equity-like instruments applied across the different EU Member States.

Main findings:

- the LIS (Large In Scale) waiver is the most used;
- shares are the instrument type for which waivers are requested most frequently;
- the volume under the waivers, both in turnover and number of transactions, is for largely executed in shares;
- ETFs are the instruments with the highest percentage of dark trading with respect to the overall volume traded in those instruments;
- compared to 2018, the percentage of segment MICs applying the LIS deferral regime slightly fell; and
- the UK was the country that submitted the highest number of waiver notifications in 2019.

This is the second report published by ESMA since the application of MiFIR in 2018.

While the [first report](#) was published in October 2019 and comprised both equity and non-equity, due to the Covid-19 outbreak and Brexit developments, ESMA has delayed the publication of 2019's report and divided it into two, with a second report on the application of waivers and deferrals for non-equity instruments to be published in February 2021.

ESMA, under MiFIR, is required to monitor the application of pre-trade transparency waivers and deferred trade-publication. As part of this mandate it submits an annual report to the European Commission on how equity and non-equity waivers and deferrals regimes are applied in practice.

Next steps

ESMA will publish the next annual reports in the second half of 2021 covering the analysis of the application of the waivers and deferral regimes in 2020.