



# Consultation on Draft Implementing Technical Standards to establish the templates composing the register of information in relation to all contractual arrangements on the use of ICT services provided by ICT third-party service providers

Fields marked with \* are mandatory.

## Introduction

---

The European Supervisory Authorities (EBA, EIOPA and ESMA) published a Consultation Paper on draft Implementing Technical Standards (ITS) to establish the templates composing the register of information in relation to all contractual arrangements on the use of ICT services provided by ICT third-party service providers as mandated by Regulation (EU) 2022/2554, Article 28(9).

Market participants are invited to provide their feedback to the draft technical standards by responding to the questions presented in this consultation paper. The feedback received will be taken into account in the finalisation of the draft technical standards, which have a deadline for submission to the European Commission by 17 January 2024.

The ESAs invite comments on the draft ITS put forward in the Consultation Paper and in particular to the questions presented throughout the paper and as presented in this survey.

Comments are most helpful if they:

- respond to the questions stated;
- indicate the specific point to which a comment relates
- contain a clear rationale;
- provide evidence (including relevant data where applicable) to support the views expressed;
- reflect a cross-sectoral (banking, insurance, markets and securities) approach, to the extent possible;
- and describe any alternatives the ESAs could consider.

**To submit your comments, please click on the blue “Submit” button in the last part of the present survey.** Please note that **comments submitted after 11 September 2023 or submitted via other means**

**may not be processed.**

Please clearly express in the consultation form if you wish your comments to be disclosed or to be treated as confidential. A confidential response may be requested from the ESAs in accordance with the ESAs' rules on public access to documents. We may consult you if we receive such a request.

Any decision we make not to disclose the response is reviewable by the ESAs' Boards of Appeal and the European Ombudsman.

The protection of individuals with regard to the processing of personal data by the ESAs is based on Regulation (EU) 1725/2018 of the European Parliament and of the Council of 23 October 2018. Further information on data protection can be found under the Legal notice section of the ESA websites.

The views expressed in this Consultation Paper are preliminary and will not bind in any way the ESAs in the future development of the draft final response to the European Commission (Commission). They are aimed at eliciting discussion and gathering the stakeholders' opinion at an early stage of the process.

## General Information

---

\* Name of the Reporting Stakeholder

Deutsche Börse Group

Legal Entity Identifier (LEI) if available

529900G3SW56SHYNPR95

\* Type of Reporting Organisation

- ICT Third-Party Service Provider
- Financial Entity
- Industry Association/Federation
- Consumer Protection Association
- Competent Authority
- Other

\* Financial Sector

- Banking and payments
- Insurance
- Markets and securities
- Other

\* Jurisdiction of Establishment

Germany and Luxembourg

\* Geographical Scope of Business

- EU domestic

- EU cross-border
- Third-country
- Worldwide (EU and third-country)

\* Name of Point of Contact

Sujata Wirsching

\* Email Address of Point of Contact

sujata.wirsching@deutsche-boerse.com

## Questions

---

Q1: Can you identify any significant operational obstacles to providing a Legal Entity Identifier (LEI) for third-party ICT service providers that are legal entities, excluding individuals acting in a business capacity?

The provision given in Recital 10, and further developed in Article 4(7)(8), emphasizing on the distinction between national codes or company names and the distinct advantage offered by the legal entity identifier (LEI) for unambiguous identification of financial entities and ICT third-party service providers.

However, it is crucial to acknowledge that not all third-country ICT providers may possess or provide trading venues with a LEI, requiring a strong consideration of additional or alternative criteria, such as for instance Tax ID, to facilitate a comprehensive and effective identification mechanism.

We propose to make LEI number an optional value and let FE's use internal unique identifiers as key value.

Q2: Do you agree with Article 4(1)b that reads 'the Register of Information includes information on all the material subcontractors when an ICT service provided by a direct ICT third-party service provider that is supporting a critical or important function of the financial entities.'? If not, could you please explain why you disagree and possible solutions, if available?

The stipulation made in Article 4(1)b is in line with our view. However, paragraph 1(a) appears to encompass a wide range of ICT service types, necessitating a refined and narrowed down scope that closely focuses on pertinent and applicable ICT services. Additionally, we recommend the exclusion of standard IT services such as hardware maintenance and standard software licenses. This review must also be considered for Recital 8.

Further, there are difficulties to assess the outsourcing chain (Level 1 – Level N) in terms of materiality of the subcontractors. Furthermore, data required for the register is not always available. We request clarification up to which level material subcontracts shall have to be identified.

Q3: Are there any significant operational issues to consider when implementing the Register of Information for the first time? Please elaborate.

Local requirements might be in place to provide outsourcing information to local authorities.

When implementing the DORA Register of information, is it required to continue to maintain the Outsourcing Register Format to report to local authorities? We request to use one format throughout Europe and for all outsourcings including ICT Service provision.

The Register is enabling an overarching organizational view. This requires a more profound mapping of activities and ICT provider services. The FE's data universe will further be integrated with respective technical efforts involved.

We would request to adjust the implementation date or grant respective grace implementation periods.

When implementing the Register of Information for the first time, trading venues falling in scope of this new requirements would firstly need to introduce and implement necessary pre-requisites, tasks and processes such as establishing and/or adapting an application to create and maintain the templates of the register as well as compiling and further enriching the required data.

With regards to the required changes and updates of the information contained in the register of information (i.e., Article 4(3)), we strongly encourage the replacement of "on-going" basis by a different term for this provision to be achieved for all considered information. While we agree with the proposal on updating the register of information, conducting those updates on a "regular basis", for instance, every six months, is deemed more appropriate in order to reduce complexity and enhance efficiency.

Q4: Have you identified any significant operational obstacles for keeping information regarding contractual arrangements that have been terminated for five years in the Register of Information?

Not as long as this requirement only addresses contractual arrangements that have been terminated after the implementation date (as proposed above the 31.12.2025). This should be clearly stated.

Q5: Is Article 6 sufficiently clear regarding the assignment of responsibilities for maintaining and updating the register of information at sub-consolidated and consolidated level?

The individual financial entity is maintaining register information individually from the FE's perspective. To provide a consolidated view individual Register of the FE must be mapped in order to get the consolidated view. We would request to adjust the implementation date or grant respective grace implementation periods.

Q6: Do you see significant operational issues to consider when each financial entity shall maintain and update the register of information at sub-consolidated and consolidated level in addition to the register of information at entity level?

No answer

Q7: Do you agree with the inclusion of columns RT.02.01.0041 (Annual expense or estimated cost of the contractual arrangement for the past year) and RT.02.01.0042 (Budget of the contractual arrangement for the upcoming year) in the template RT.02.01 on general information on the contractual arrangements? If not, could you please provide a clear rationale and suggest any alternatives if available?

With regards to the template RT.02.01 on general information on the contractual arrangements, we strongly disagree with the proposed inclusion of columns RT.02.01.0041 and RT.02.01.0042. The rationale underlying this disagreement stems from the substantial increase in complexity that would arise following the inclusion of those columns, especially in the context of intercompany service provisions and their intricate organization. In light of our concerns and in order to lower complexity and ensure a comprehensive and effective representation, we suggest either excluding intragroup transfers from the scope or, alternatively, incorporating specific language that explicitly provides an exemption in such cases.

The disclosure of budget related information has an important aspect of confidentiality. The allocation of budget to a specific ICT Service Provider or (in turn) to a specific firm's activity allows conclusions on potential strategic initiatives which shall not be disclosed outside the FE.

Q8: Do you agree that template RT.05.02 on ICT service supply chain enables financial entities and supervisors to properly capture the full (material) ICT value chain? If not, which aspects are missing?

Template RT.05.02 on ICT service supply chain would not enable financial entities and supervisors to properly capture the full (material) ICT value chain. The completeness and effectiveness of this template would fully rely on the information obtained from the ICT service providers and their engagement and collaboration.

The effort to provide this information does not seem to be proportionate to the gained information. Most ICT Service Provider only provide information on their Rank 1 sub-outsourcings.

Q9: Do you support the proposed taxonomy for ICT services in Annex IV? If not, please explain and provide alternative suggestions, if available?

In our view, ICT consulting goes far beyond the definition of ICT-Services in the market. Pure consulting services for provision of intellectual / ICT expertise services should be excluded.

S11 contradicts with Chapter 28 g of the EBA Guidelines on Outsourcing, where telephone lines are excluded. To oblige a telephone carrier or dark fiber provider to adhere to the requirements stated in DORA is not feasible.

S21 Is a catch all clause type of category which leaves FE's in uncertainty of the scope, this point should be deleted, and the list should be exhaustive.

Q10: Do you agree with the instructions provided in Annex V on how to report the total value of assets and the value of other financial indicator for each type of financial entity? If not, please explain and provide alternative suggestions?

No answer

Q11: Is the structure of the Register of Information clear? If not, please explain what aspects are unclear and suggest any alternatives, if available?

The structure of the Register of Information is considered sufficiently clear.

When considering the access of competent authorities to the Registers of Information, the provisions described in Article 9 (1) require additional refinement and clarification. While we agree with the importance for competent authorities to access the information from the Register, a more precise description of the frequency at which the regulators shall receive this information is required to allow for an effective implementation. We would suggest for this information to be provided on a yearly basis as this has already been proven to be effective and efficient under other regulations (e.g., MiFID II – MiFIR).

Q12: Do you agree with the level of information requested in the Register of Information templates? Do you think that the minimum level of information requested is sufficient to fulfill the three purposes of the Register of Information, while also considering the varying levels of granularity and maturity among different financial entities?

The level of information requested in the Register of Information templates is deemed sufficient.

Q13: Do you agree with the principle of used to draft the ITS? If not, please explain why you disagree and which alternative approach you would suggest.

The ITS remains silent on the process of sharing the information from financial entities to competent authorities. This is particularly important to understand as the templates and requirements of the data points have been designed from a reporting perspective.

Q14: Do you agree with the impact assessment and the main conclusions stemming from it?

The impact assessment put forward in this proposal raises major concerns as it would entail a substantial increase in the overall efforts for financial entities. To reduce its complexity, it is necessary to further refine the proposal while taking into account the propositions and feedback emphasized in the previous answered questions.

With regards to the templates RT.02.01 on general information on the contractual arrangements, we recommended the amendment of certain columns.

Firstly, either column TR.02.01.0060 or columns TR.02.01.0071, TR.02.01.0072, and TR.02.01.0073 (i.e., Annex I, page 41 & Annex II, pages 77-78) shall be considered “mandatory” components. The columns TR.02.01.0071, TR.02.01.0072, and TR.02.01.0073 should serve as a comprehensive solution for all instances involving ICT service providers without an available Legal Entity Identifier (LEI). This approach would be consistent with template RT.05.01 on ICT third-party service providers, specifically columns RT.05.01.0010, RT.05.01.0021, RT.05.01.0022, and RT.05.01.0023 (i.e., Annex I, page 47 & Annex II, page 91), which exemplify a commendable practice in accommodating scenarios where an LEI is not available.

A similar approach is advocated for the RT.05.01 templates, where either column TR.05.01.0090 or columns TR.05.01.0101, TR.05.01.0102, and TR.05.01.0103 (i.e., Annex I, page 49 & Annex II, pages 93-94) should be designated as “mandatory”. These columns, namely TR.05.01.0101, TR.05.01.0102, and TR.05.01.0103, would sufficiently address situations where an LEI is not available, mirroring, once more, the approach established in the columns RT.05.01.0010, RT.05.01.0021, RT.05.01.0022, and RT.05.01.0023 described on page 47 of Annex I as well as page 91 of Annex II.

**In addition to the questions above, for each column of each template of the register of information, the following is asked:**

- **proposal for amendment**
- **drafting suggestion or comment**

To properly collect your feedback on the above, please follow the steps listed below:

1. Use the links below to download the two sets of templates at entity and (sub)consolidated level respectively;
2. Once downloaded, use the dedicated fields to provide your feedback to the two questions listed above, which have been included for each column of each template;
3. Upload the file with your input, using the upload buttons below.

Please note the following:

- the two set of templates have been reported in Excel to ease the collection of your feedback;
- it is not compulsory to provide feedback to both set of templates;
- as a rule, the ESAs will not process feedbacks received on the fields of the templates provided in different manner than through the steps as listed above;
- Do not modify the structure of the Excel workbook and worksheet.

### **Register of Information templates**

#### **Entity level**

[FeedbackRegisterInformationEntityLevel.xlsx](#)

### **Register of Information templates**

#### **Sub-consolidated or consolidated level**

[FeedbackRegisterInformationSubConsoOrConsoLevel.xlsx](#)

### **Register of Information templates**

#### **Entity level**

Please **upload** the file with your feedback

Only files of the type xlsx are allowed

### **Register of Information templates**

#### **Sub-consolidated or consolidated level**

Please **upload** the file with your feedback

Only files of the type xlsx are allowed

## **Submission of Comments**

---



[Contact Form](#)