

12 September 2025

To: EMIR Reporting (emirreporting@fca.org.uk)

Re: Derivative reporting requirements under UK EMIR: Consultation on additional draft Q&As

The International Swaps and Derivatives Association, Inc. (“**ISDA**”) and its members (“the Industry”) appreciates the opportunity to provide comments to the Financial Conduct Authority (“**FCA**”) and Bank of England (“**the Bank**”) consultation on two additional Q&As for the derivatives reporting requirements under UK EMIR (the “Consultation”).

About ISDA

Since 1985, ISDA has worked to make the global derivatives markets safer and more efficient. Today, ISDA has over 1,000 member institutions from 77 countries. These members comprise a broad range of derivatives market participants, including corporations, investment managers, government and supranational entities, insurance companies, energy and commodities firms, and international and regional banks. In addition to market participants, members also include key components of the derivatives market infrastructure, such as exchanges, intermediaries, clearing houses and repositories, as well as law firms, accounting firms and other service providers. Information about ISDA and its activities is available on the Association’s website: www.isda.org. Follow us on [Twitter](#), [LinkedIn](#), [Facebook](#) and [YouTube](#).

Q&A 4.14: When is it acceptable to report with a technical ISIN?

ISDA supports the answer provided by the FCA within the Q&A consultation. We believe the scenarios set out in the answer should cover the majority of cases where an ISIN is not available for an underlying of a derivative transaction and/or constituents of a basket. This will allow market participants to successfully report transactions and easily identify such cases. However, the technical ISIN should not be a permanent solution for when the underlying of a derivative does not have an ISIN, and future changes to the valuation rules and/or technical standards may be required in order that the reporting of an underlier can be identified more accurately in such scenarios.

There is **one additional scenario** we would encourage the FCA to provide guidance. Where the constituents of a basket are *not* Traded on a Trading Venue (non-TOTV), but nonetheless have an ISIN assigned to them, what is the expected reportable value?

The RTS for this field states “In case of custom baskets composed, among others, of financial instruments traded in a trading venue, only financial instruments traded in a trading venue shall be specified.” For a non-TOTV instrument, should the reporting entity populate (i) the

‘Identifier of the basket’s constituents’ field with the ISINs of the constituents, or (ii) use the technical ISIN (given they are not ‘financial instruments traded in a trading venue’)?

Providing such clarification would avoid any uncertainty amongst firms of what value to use in this scenario.

As a general point to note, while we believe the Q&A as written will capture most transactions where a technical ISIN would be necessary, we encourage the FCA to remain open to updating the Q&A in the future should it become apparent that additional scenarios regularly result in no ISIN being available to report.

11.7: How should a ‘FX swap’ be reported?

ISDA welcomes the clarification question 11.7 provides, and we support its addition to the EMIR Q&As.

However, we believe there is scope to be more explicit on the treatment of package transactions to avoid potential for misinterpretation.

To explain this further, the Q&A answer currently states “In the case of i., as set out in question 11.1, only contracts within the Package transaction that are subject to the UK EMIR reporting obligations should be reported”, with ‘i’ being a “combination of two FX Forward contracts”. The Q&A then sets out three combinations of package types, (identified as a, b and c), that comprise of combinations of FX Spots and/or FX Forwards.

The additional clarification centres around combination ‘b’: “the near leg is a FX Spot contract and the far leg is a FX Forward contract”. It is our understanding that although the Q&A specifically refers to “the case of i” (two FX Forwards), this does not mean **only** this combination of contracts is to be reported as a package transaction. Specifically, a **Spot/Forward combination** is also to be identified as a package transaction, though only the FX Forward contract of the package is reportable.

While we acknowledge that when questions 11.1 and 11.7 are read together, they essentially confirm ‘combination b’ of a FX Spot and FX Forward is deemed as a package transaction, we nonetheless encourage this is made explicit in the answer to 11.7 to avoid any unnecessary misinterpretation.