

EAPB Statement on the proposed European Parliament Amendments to the Markets Infrastructure Package

Brussels, 14 September 2026

The European Association of Public Banks (EAPB) welcomes the publication by the European Parliament's ECON Committee of the draft reports and tabled amendments on the Markets Infrastructure and Supervisory Package (MISP). As set out in our [Position Paper](#) of 7 May 2026, EAPB supports the broad direction of the Commission's proposal. The parliamentary process now under way will determine how far that direction is carried into the final texts.

EAPB's principal concern relates to **the scope of ESMA's supervisory role**. The draft report on the Directive would transfer supervision of depositaries that are credit institutions or investment firms from national authorities to ESMA, together with new powers to impose fines and periodic penalty payments. In EAPB's view, this would not serve the objectives of the MISP. Banking supervision is already centralised and harmonised, and a parallel supervisory track over credit institutions would duplicate existing oversight without a commensurate supervisory benefit. Similar considerations arise in respect of the broad investigative and intervention powers envisaged for ESMA in the Regulation, and of an Executive Board that would concentrate operational control in a small number of independent members while leaving the Board of Supervisors with little more than a right of objection. EAPB would encourage the co-legislators to confine any expansion of ESMA's powers to matters of genuine cross-border relevance, and to match it with commensurate accountability.

Set against this, EAPB notes with interest the support emerging in the Regulation for **establishing the international competitiveness of EU firms and capital markets as a formal secondary objective of ESMA**, as is already the case in comparable peer jurisdictions, and for attaching a structured competitiveness test to future Level 2 and Level 3 measures. EAPB regards this as a necessary counterweight: where ESMA's responsibilities expand, its mandate should grow with an explicit obligation to weigh cost, proportionality and the EU's standing relative to competitor jurisdictions.

The same logic of proportionality and preparedness apply to the **Depositary Passport**. EAPB continues to welcome the Passport in principle, while noting it cannot deliver on its own: the depositary function is tightly bound to national civil, insolvency and custody law, and expanded access without prior legal harmonisation would create exactly the protection gaps the Passport is meant to avoid. The sharpest of these gaps is the absence of conflict-of-law rules on transfers of ownership and securities lending, a point no amendment currently addresses. EAPB therefore considers that the Passport should be conditioned on prior legal harmonisation, on the retention of national supervisory powers and on appropriate eligibility safeguards. As long as these fundamental discrepancies in national laws persist, the Passport cannot be operationalised safely.

On the **DLT Pilot Regime**, EAPB's priority is to see the regime evolve into a genuinely permanent framework, and to see the EUR 100 billion per-infrastructure ceiling considerably elevated. In addition, it could be made subject to a periodic review mechanism anchored in Level 1, so the thresholds can be recalibrated to market conditions without reopening the regulation.

With respect to proposed amendments to CSDR, EAPB welcomes the proposal that securities recorded in book-entry form with **an authorised DLT Notary be treated as satisfying the book-entry transferability requirement**. It is of utmost importance to retain this in the final text.

On **fee transparency**, we would like to iterate that CSDs cannot be compared to settlement internalisers. Where more transparency on the part of CSDs is essential for enhancing the competitiveness of the European capital market, introducing a generalised public disclosure obligation for settlement internalisers, including provisions empowering ESMA to benchmark CSD fees and publicly flag divergences goes in the wrong direction. EAPB rejects this approach. Professional clients are well placed to assess the value of the services they buy, and routine disclosure generates administrative cost without a matching benefit. This point currently has no counterweight among the tabled amendments and needs active attention.

Taken as a whole, EAPB considers that the MISP will deliver its objectives **only if ESMA's role remains proportionate and accountable**, if competitiveness is anchored as a formal objective wherever those powers expand, if the Depositary Passport is completed rather than abandoned, if the DLT Pilot Regime retains the flexibility and permanence its users require, and if the treatment of fee transparency remains proportionate to the benefit it delivers. EAPB stands ready to contribute to the co-legislators' work on these points in the months ahead.