## *Risk.net* Talks With Nathaniel Lalone About Open Access Rules for Derivatives

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Financial Markets and Funds partner Nathaniel Lalone spoke with *Risk.net* regarding German Ministry of Finance efforts to amend or eliminate provisions in the revised Markets in Financial Instruments Directive (MiFID II) governing so-called "open access" between trading venues and central counterparties (CCPs). Nate noted legislative deadlines for accepting or denying open access requests could result in delays for the implementation of open access in practice. He stated, "For as long as open access is the law, it needs to be taken seriously. That said, in practice, any exchange or CCP that didn't want to say yes to an open access request would almost certainly spin things out by using up all the time available in each stage of the process. So, they would just run down the clock in the hopes that, by the time the final deadline rolls around, the open access provisions are either removed from MiFID or the transition period is extended." He added, "Six or nine months is nowhere near enough time for a trading venue and CCP to integrate seamlessly with each other, not least where there are systems incompatibilities, and especially where it is a hostile act. Taken together, these deadlines would mean the second quarter of 2021 would likely be the earliest moment a reluctant trading venue or CCP would be forced to go live after an uninvited open access request."("Germany scrambles to shut the door on MiFID open access," December 11, 2019)

### CONTACTS

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