

Declaration by the High Representative on behalf of the EU on the situation in Nicaragua

Press contacts

Maja Kocijančič

EEAS spokesperson

+32 2 298 65 70

+32 498 98 44 25

Five months after the outbreak of social protests in Nicaragua, the situation in the country remains of serious concern to the European Union and its Member States. Basic principles of democracy, accountability and rule of law continue to be severely undermined by the repressive environment, which creates a climate of fear and mistrust. The national dialogue with the aim of reaching political solutions to these problems is now stalled due to lack of engagement by the authorities.

The lack of official cooperation with the international missions investigating human rights abuses prevents full accountability and justice to be served and encourages impunity. To this end and in line with previous statements, the European Union and its Member States urge the government of Nicaragua to allow the return of the Office of the United Nations High Commissioner for Human Rights (UNOHCHR) and enable it to continue its mission in the country as well as to provide the necessary support requested by the Follow-Up Mechanism on Nicaragua (MESENI) and the Interdisciplinary Group of Independent Experts (GIEI) to carry out their mandate.

We call on the government of Nicaragua to stop the disproportionate use of force against demonstrators, halt arrests based on laws which criminalise peaceful protest, free peaceful demonstrators and re-establish the full respect of due process for all detainees. We also call on the government of Nicaragua to act on the findings and recommendations by the Inter-American Commission of Human Rights (IACHR) and UNOHCHR, in particular to ensure full accountability for perpetrators of human rights abuses and the disarming and disbanding of armed groups.

The European Union and its Member States continue to support an inclusive dialogue on justice and democracy as the way out of the current crisis and reiterate their willingness to contribute to this process as a means to deliver on the legitimate democratic aspirations of the Nicaraguan people. To this end we renew our call on the government of Nicaragua to resume the national dialogue and we stand ready to further support this process.

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ESMA updates its Q&As on MiFID II and MiFIR commodity derivatives topics

These Q&As provide clarification on issues related to the MiFID II/MiFIR regime for commodity derivatives, including on position limits, position reporting and ancillary activity.

New or revised answers are provided on the following topics:

- On the ancillary activity test Q&A numbers 3 and 10 were updated, and Q&A 13 was deleted.
- On position limits and reporting, two new Q&As clarify the treatment of legacy positions on OTFs and specifies further the types of firms that have to submit weekly position reports.

The purpose of these Q&As is to promote common supervisory approaches and practices in the application of MiFID II and MiFIR. They provide responses to questions raised by market participants in relation to the practical application of the level 1 and level 2 provisions relating to commodity derivative issues.

ESMA will continue to develop these Q&As in the coming months and will review and update them where required.

ESMA updates its opinion on ancillary activity calculations

Market participants, under the revised Markets in Financial Instruments Directive (MiFID II), are required to measure their own activity against total market sizes in commodity derivatives. These sizes are important to enable market participants to assess whether they exceed the ancillary activity thresholds in MiFID II and consequently would have to apply for authorisation as an investment firm.

In issuing this opinion, ESMA considers that the guidance on market size will contribute positively to the consistency of supervisory practices and will ensure a uniform approach throughout the Union.

Background

Determining market size figures is challenging for national competent authorities (NCAs) and market participants since there is no centralised recording of on-venue and off-venue transactions for commodity derivatives and emission allowances, which are publicly available. NCAs and market participants have asked ESMA to provide guidance for the determination of the market size figures to ensure the correct application of Article 2(3) of the Delegated Regulation.

[ESMA updates its opinion on ancillary activity calculations](#)

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[Opinion on the ancillary activity calculations](#)

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