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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	ANNEXES to the COMMISSION DELEGATED REGULATION supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 with regard to regulatory technical standards on authorisation, supervisory and operational requirements for central securities depositories

Delegations will find attached document C(2016) 7159 final ANNEXES 1 to 3.

Encl.: C(2016) 7159 final ANNEXES 1 to 3



Brussels, 11.11.2016
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ANNEXES 1 to 3

ANNEXES

to the

COMMISSION DELEGATED REGULATION

supplementing Regulation (EU) No 909/2014 of the European Parliament and of the Council of 23 July 2014 with regard to regulatory technical standards on authorisation, supervisory and operational requirements for central securities depositories

ANNEXES

Annex I: Details to be included in the application for recognition of third-country CSDs

(Article 25(12) of Regulation (EU) No 909/2014)

GENERAL INFORMATION

Items of information	<u>Free text</u>
Date of application	
Corporate name of the legal entity	
Registered address	
Name of the person assuming the responsibility for the application	
Contact details of the person assuming the responsibility for the application	
Name of other person(s) responsible for the compliance of the third-country CSD with Regulation (EU) No 909/2014	
Contact details of the person(s) responsible for the compliance of the third-country CSD with Regulation (EU) No 909/2014	
Identities of the shareholders or members that hold participations in the capital of the third-country CSD	
Identification of the group structure, including any subsidiary and parent company of the third-country CSD	
List of the Member States in which the third-country CSD intends to provide services	
Information regarding core services listed in Section A of the Annex to Regulation (EC) No 909/2014 that the third-country CSD intends to provide in the Union per Member State	
Information regarding ancillary services listed in section B of the Annex to Regulation (EC) No 909/2014 that the third-country CSD intends to provide in the Union per Member State	
Information regarding any other services permitted under, but not explicitly listed in Section B of the Annex to Regulation (EC) No 909/2014 that the third-country CSD	

intends to provide in the Union per Member State	
Currency or currencies that the third-country CSD processes or intends to process	
Statistical data regarding the services that the third-country CSD intends to provide in the Union per Member State	
Assessment of the measures that the third-country CSD intends to take to allow its users to comply with any specific national laws of the Member State(s) in which the third-country CSD intends to provide its services	
Where the third country CSD intends to provide the core services referred to in points (1) and (2) of Section A of the Annex to Regulation (EU) No 909/2014, a description of the measures that the third-country CSD intends to take to allow its users to comply with the relevant law of the Member State in which the third-country CSD intends to provide such services as referred to in point (d) of Article 25(4) of Regulation (EU) No 909/2014.	
Rules and procedures that facilitate the settlement of transactions in financial instruments on the intended settlement date	
Third-country CSD's financial resources, form and methods in which they are maintained and arrangements to secure them	
Evidence that rules and procedures of the third-country CSD are fully compliant with the requirements applicable in the third country where it is established, including the rules concerning prudential, organisational, business continuity, disaster recovery and conduct of business aspects	
Details of any outsourcing arrangements	
Rules governing the finality of transfers of securities and cash	
Information regarding the participation in the securities settlement system operated by the third-country CSD, including the criteria for participation and the procedures for the suspension and orderly exit of participants that no longer meet its criteria	

Rules and procedures for ensuring the integrity of the securities issues	
Information on mechanisms established to ensure the protection of participants' and their clients' securities	
Information on third-country CSD links and links with other market infrastructures and on how the related risks are monitored and managed	
Information on rules and procedures put in place to manage the default of a participant	
Recovery plan	
Investment policy of the third-country CSD	
Information on procedures ensuring the timely and orderly settlement and transfer of the assets of clients and participants to another CSD in case of the CSD's default	
Information on all pending judicial or extrajudicial proceedings, including administrative, civil or arbitration proceedings, which may cause significant financial and other costs to the third-country CSD Information on any final decisions resulting from the proceedings referred to above	
Information regarding the handling of conflicts of interest by the third-country CSD	
Information to be published on the ESMA website in accordance with Article 21(3) of Regulation (EU) No 909/2014, as regards Article 25 of that Regulation	

Annex II: CSD ancillary services records

(Article 29 of Regulation (EU) No 909/2014)

No.	Ancillary Services under Regulation (EU) No 909/2014	Types of records
A. CSD's non-banking-type ancillary services that do not entail credit or liquidity risks		
1	Organising a securities lending mechanism, as agent among participants of a securities settlement system	<ul style="list-style-type: none"> (a) Identification of delivering/receiving parties; (b) Details regarding each securities lending/borrowing operation, including volume and value of securities and ISIN; (c) Purpose of each securities lending/borrowing operations; (d) Types of collateral; (e) Collateral valuation.
2	Providing collateral management services, as agent for participants in a securities settlement system	<ul style="list-style-type: none"> (a) Identification of delivering/receiving parties; (b) Details regarding each operation, including volume and value of securities and ISIN; (c) Types of collateral; (d) Purpose of collateral use; (e) Collateral valuation.
3	Settlement matching, instruction routing, trade confirmation, trade verification	<ul style="list-style-type: none"> (a) Identification of the entities for which the CSD provides such services; (b) Types of operations; (c) Details regarding each operation, including volume and value of securities and ISIN.
4	Services related to shareholders' registers	<ul style="list-style-type: none"> (a) Identification of the entities for which the CSD provides such services; (b) Types of services; (c) Details regarding each operation, including volume and value of securities and ISIN.
5	Supporting the processing of corporate actions, including tax, general meetings and information services	<ul style="list-style-type: none"> (a) Identification of the entities for which the CSD provides such services; (b) Types of services; (c) Details regarding each operation, including volume and value of securities/cash, beneficiaries of the operation and ISIN.
6	New issue services, including allocation and	<ul style="list-style-type: none"> (a) Identification of the entities for which the CSD provides such services;

	management of ISIN codes and similar codes	(b) Types of services; (c) Details regarding each operation, including ISIN.
7	Instruction routing and processing, fee collection and processing and related reporting	(a) Identification of the entities for which the CSD provides such services; (b) Types of services; (c) Details regarding each operation, including volume and value of securities/cash, beneficiaries of the operation, ISIN and purpose of the operation.
8	Establishing CSD links, providing, maintaining or operating securities accounts in relation to the settlement service, collateral management, other ancillary services	(a) Details regarding the CSD links, including identification of CSDs; (b) Types of services.
9	Providing general collateral management services as agent	(a) Identification of delivering/receiving parties; (b) Details regarding each operation, including volume and value of securities, ISIN; (c) Types of collateral; (d) Purpose of collateral use; a) Collateral valuation.
10	Providing regulatory reporting	(a) Identification of the entities for which the CSD provides the reporting; (b) Types of services; (c) Details regarding the data provided, including the legal basis and the purpose.
11	Providing information, data and statistics to market/census bureaus or other governmental or inter-governmental entities	(a) Identification of the entities for which the CSD provides such services; (b) Types of services; (c) Details regarding the data provided, including the legal basis and the purpose.
12	Providing IT services	(a) Identification of the entities for which the CSD provides the services; (b) Types of services; (c) Details regarding IT services.
B. CSD's banking-type services directly related to core or ancillary services listed in Sections A and B of the Annex to Regulation (EU) No 909/2014		
13	Providing cash accounts to, and accepting deposits from, participants in a securities settlement system and holders of securities accounts, within	(a) Identification of the entities for which the CSD provides such services; (b) Cash accounts details; (c) Currency; (d) Deposits amounts.

	the meaning of point 1 of Annex I to Directive 2013/36/EU	
14	Providing cash credit for reimbursement no later than the following business day, cash lending to pre-finance corporate actions and lending securities to holders of securities accounts, within the meaning of point 2 of Annex I to Directive 2013/36/EU	<ul style="list-style-type: none"> (a) Identification of the entities for which the CSD provides such services; (b) Types of services; (c) Details regarding each operation, including volume and value of securities/cash, ISIN; (d) Types of collateral; (e) Collateral valuation; (f) Purpose of operations; (g) Information about any incidents in relation to such services and remediating actions including follow-up.
15	Payment services involving processing of cash and foreign exchange transactions, within the meaning of point 4 of Annex I to Directive 2013/36/EU	<ul style="list-style-type: none"> (a) Identification of the entities for which the CSD provides such services; (b) Types of services; (c) Details regarding each operation, including volume of cash, and purpose of operation.
16	Guarantees and commitments related to securities lending and borrowing, within the meaning of point 6 of Annex I to Directive 2013/36/EU	<ul style="list-style-type: none"> (a) Identification of the entities for which the CSD provides such services; (b) Types of services; (c) Details regarding each operation, including volume and value of securities/cash and purpose of operation.
17	Treasury activities involving foreign exchange and transferable securities related to managing participants' long balances, within the meaning of points 7(b) and (e) of Annex I to Directive 2013/36/EU	<ul style="list-style-type: none"> (a) Identification of the entities for which the CSD provides such services; (b) Types of services; (c) Details regarding each operation, including volume and value of securities/cash and purpose of operation.

Annex III: Templates for application by a CSD to designate a credit institution or to provide banking-type ancillary services

(Article 55 of Regulation (EU) No 909/2014)

Template 1

Where a CSD is applying to provide banking-type ancillary services in accordance with point (a) of Article 54(2) of Regulation (EU) No 909/2014, the following information shall be provided:

The scope of information to be submitted in accordance	Unique reference number of the document	Title of the document	Chapter or section or page of the document where the information is provided
(1) the corporate name of the applicant CSD, its legal status and legal address in the Union			
(2) a copy of the decision of the management body of the applicant CSD to apply for authorisation and the minutes from the meeting where the management body approved the content of the application file and its submission			
(3) contact details of the person responsible for the application for authorisation, where different from the person submitting the application for authorisation referred to under Article 17 of Regulation (EU) No 909/2014			
(4) evidence that proves the existence of an authorisation referred to in point (a) of Article 54(3) of Regulation (EU) No 909/2014			
(5) evidence that the applicant CSD meets the prudential requirements referred to in Article 59(1), (3) and (4) of Regulation (EU) No 909/2014 and the supervisory requirements referred to in Article 60 of that Regulation			
(6) evidence, that proves that the applicant CSD complies with point (d) of Article 54(3) of Regulation (EU) No 909/2014			
(7) details concerning the recovery plan referred to in point (f) of Article 54(3) of Regulation (EU) No 909/2014			
(8) a programme of operations that fulfils the following conditions:			
(a) it includes a list of the banking-type ancillary services referred to in Section C of the Annex to Regulation (EU) No 909/2014 that are intended to be provided			
(b) it includes an explanation of how the banking-type ancillary services referred to in Section C of the Annex to Regulation (EU) No 909/2014 are directly related to any core or ancillary services referred to in Section A and Section B of the Annex to Regulation (EU) No 909/2014 that the CSD is authorised to provide			
(c) it is structured following the list of banking-type ancillary services referred to in Section C of the Annex to Regulation (EU) No 909/2014			
(d) evidence supporting the reasons for not settling			

Where the application for authorisation referred to in point (a) of Article 54(2) of Regulation (EU) No 909/2014 is submitted at the same time as the application for authorisation referred to in Article 17 of that Regulation, the following information shall be provided by the applicant CSD in addition to the information requested under Article 17 of Regulation (EU) No 909/2014 and this Regulation:

1	Name of the person responsible for the application where different from the one submitting the application under Article 17 of Regulation (EU) No 909/2014	...
2	Contact details of the person responsible for the application, where different from the one submitting the application under Article 17 of Regulation (EU) No 909/2014	...
3	Date of receipt of the authorisation referred to in point (a) of Article 54(3)	...

Template 2

Where a CSD is applying to designate a separate credit institution to provide banking-type ancillary services in accordance with point (b) of Article 54(2) of Regulation (EU) No 909/2014:

The scope of information to be submitted	Unique reference number of the document	Title of the document	Chapter or section or page of the document where the information is provided
(1) the corporate name of the applicant CSD, its legal status and legal address in the Union			
(2) a copy of the decision of the management body of the applicant CSD to apply for authorisation and the minutes from the meeting where the management body approved the content of the application file and its submission			
(3) the contact details of the person responsible for the application for authorisation, where the person is not the same person as the one submitting the application for authorisation referred to in Article 17 of Regulation (EU) No 909/2014			
(4) the corporate name of the credit institution to be designated in accordance with point (b) of Article 54(2) of Regulation (EU) No 909/2014, its legal status and legal address in the Union			
(5) evidence that the credit institution referred to in point (4) has obtained an authorisation referred to in point (a) of Article 54(4) of Regulation (EU) No 909/2014			
(6) the articles of incorporation and, where relevant, other statutory documentation of the designated credit institution			
(7) the ownership structure of the designated credit institution, including the identity of its shareholders			

(8)	the identification of any common shareholders of the applicant CSD and the designated credit institution and any participations between the applicant CSD and the designated credit institution			
(9)	evidence that the designated credit institution meets the prudential requirements referred to in Article 59(1), (3) and (4) and the supervisory requirements referred to in Article 60 of Regulation (EU) No 909/2014			
(10)	evidence, including a memorandum of association, financial statements, audit reports, reports from risk committees, or other documents, which proves that the designated credit institution complies with point (e) of Article 54(4) of Regulation (EU) No 909/2014			
(11)	the details of the recovery plan referred to in point (g) of Article 54(4) of Regulation (EU) No 909/2014			
(12)	a programme of operations that fulfils the following conditions:			
	(a) it includes a list of the banking-type ancillary services referred to in Section C of the Annex to Regulation (EU) No 909/2014 that are intended to be provided			
	(b) it includes an explanation of how the banking-type ancillary services referred to in Section C of the Annex to Regulation (EU) No 909/2014 are directly related to any core or ancillary services referred to in Section A and Section B of the Annex to Regulation (EU) No 909/2014 that the applicant CSD is authorised to provide			
	(c) it is structured following the list of banking-type ancillary services referred to in Section C of the Annex to Regulation (EU) No 909/2014			
(13)	details concerning the reasons for not settling the cash payments of the CSD's securities settlement system through accounts opened with a central bank of issue of the currency of			

the country where the settlement takes place			
(14) detailed information concerning the structural organisation of the relations between the CSD and the designated credit institution, including in particular the following information:			
(a) the IT platform used for the settlement of the cash leg of securities transactions, including an overview of the IT organisation and an analysis of the related risks and how they are mitigated			
(b) the applicable rules and procedures that ensure compliance with the requirements concerning settlement finality referred to in Article 39 of Regulation (EU) No 909/2014			
(c) the operation and the legal arrangements of the DVP process and in particular, the procedures used to address the credit risk resulting from the cash-leg of a securities transaction			
(d) the selection, monitoring and management of the interconnections with any other third parties involved in the process of cash transfers, in particular the relevant arrangements with third parties involved in the process of cash transfers			
(e) the service level agreement establishing the details of functions to be outsourced by the CSD to the designated credit institution and any evidence that demonstrates compliance with the outsourcing requirements as set out in Article 30 of Regulation (EU) No 909/2014			
(f) the detailed analysis contained in the recovery plan of the applicant CSD of any impact of the provision of banking-type ancillary services on the provision of core CSD services			
(g) the disclosure of possible conflicts of interests in the governance arrangements resulting from the banking-type ancillary services, and the measures taken to address them			
(h) evidence that demonstrates that the credit			

institution has the necessary contractual and operational ability to have prompt access to the securities collateral located in the CSD and related to the provision of intraday credit and, as the case may be, short term credit			
(15) where relevant, identification of any changes to the documentation supplied for obtaining the authorisation referred to in Article 17(2) of Regulation (EU) No 909/2014, following the same table format, where the updated documentation has not already been provided in the course of the review and evaluation referred to in Article 22 of Regulation (EU) No 909/2014			

Where the application for authorisation referred to in point (b) of Article 54(2) of Regulation (EU) No 909/2014 is submitted at the same time as the application for authorisation referred to in Article 17 of that Regulation, the following information shall be provided where, in addition to the information requested under Article 17 of Regulation (EU) No 909/2014 and this Regulation:

1	Corporate name of the entity designated to provide banking-type ancillary services	...
2	Legal address	...
3	Name of the person responsible for the application	...
4	Contact details of the person responsible for the application	...
5	Identification of the parent companies of the designated credit institution(s), if any	...
6	Competent authority of the designated credit institution(s)	...
7	Date of receipt of the authorisation referred to in point (a) of Article 54(4) of Regulation (EU) No 909/2014	...