

**OVER-THE-COUNTER DERIVATIVES, CENTRAL COUNTERPARTIES AND
TRADE REPOSITORIES (No 3) INSTRUMENT 2019**

Powers exercised

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of:
- (1) the power in section 139A of the Financial Services and Markets Act 2000 (“the Act”) (Power of the FCA to give guidance); and
 - (2) the other powers and related provisions listed in Schedule 4 (Powers exercised) to the General Provisions of the Handbook.
- B. The rule-making provisions referred to above are specified for the purposes of section 138G(2) (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force on 22 November 2019.

Amendments to the Handbook

- D. The Glossary of definitions is amended in accordance with Annex A to this instrument.
- E. The Supervision manual (SUP) is amended in accordance with the Annex B to this instrument.

Citation

- F. This instrument may be cited as the Over-the-Counter Derivatives, Central Counterparties and Trade Repositories (No 3) Instrument 2019.

By order of the Board
21 November 2019

Annex A

Amendments to the Glossary of definitions

In this Annex, underlining indicates new text.

Amend the following definitions as shown.

EMIR

Regulation (EU) No 648/2012 on OTC derivatives, central counterparties and trade repositories, sometimes referred to as the “European Markets Infrastructure Regulation” as amended by Regulation (EU) 2019/834 of the European Parliament and of the Council of 20 May 2019.

OTC derivatives, CCPs and trade repositories regulation

the Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) Regulations 2013 as amended by The Financial Services and Markets Act 2000 (Over the Counter Derivatives, Central Counterparties and Trade Repositories) (Amendment) Regulations 2019.

Annex B

Amendments to the Supervision manual (SUP)

In this Annex, underlining indicates new text and striking through indicates deleted text.

15A **Application and notifications under EMIR**

15A.1 **Application and notifications under EMIR**

15A.1.1 G Where a *person* intends to rely on article 4(2), 4a(2), 10(2) or 89(2) of *EMIR* for an exemption from the clearing obligation set out in article 4(1) or 10(1) of *EMIR*, the *person* should make their application or notification to the *FCA* in such manner, and by providing such information, as the *FCA* directs or requires.

15A.1.2 G Where a *person* ~~makes a notification~~ notifies the *FCA* in respect of the obligation set out in ~~article 10(1)(a) of *EMIR*~~ in:

(1) point (a) of the second subparagraph of article 4a(1);

(2) the fourth subparagraph of article 9(1); or

(3) point (a) of the second subparagraph of article 10(1),

the ~~*person* should make the notification to the *FCA*~~ should be made in such manner, and by providing such information, as the *FCA* directs or requires.

...