

Chapter 2

Commission Delegated Regulation (EU) 2019/357

**Article 3 Access to details of SFTs in
accordance with the mandate and specific
needs of each authority concerned**

(1) A trade repository shall provide the FCA with access to all details of all SFTs to exercise its supervisory competences in accordance with its responsibilities and mandates.

(2) A trade repository shall provide the Prudential Regulation Authority, the Pensions Regulator and the Bank of England with access to all details of all SFTs.

(3) [deleted]

(4) [deleted]

(5) [deleted]

(6) [deleted]

(7) [deleted]

(8) [deleted]

(9) A trade repository shall provide an authority of a third country in respect of which regulations pursuant to Article 19(1) have been prescribed by the Treasury with access to the details of all SFTs under the third country authority's mandate and responsibilities in line with the provisions of the aforementioned regulations.

(10) A trade repository shall provide the Panel on Takeovers and Mergers with access to the details of all SFTs for which the security lent or borrowed or provided as collateral is a security issued by a company that meets one or more of the following conditions:

(a) [deleted]

(b) the company has its registered office or head office in the United Kingdom and the takeover bids on the securities of that company fall under that authority's supervisory responsibilities and mandates;

(c) the company is an offeror for the companies referred to in point (b) and the consideration it offers includes securities.

For the purposes of this provision, “company” has the meaning set out in paragraph 21(1) of Schedule 1C to the Companies Act 2006 and the terms “takeover bid” and “offeror” have the meanings defined in paragraph 20 of that Schedule.

(11) A trade repository shall provide an authority as referred to in Article 12(2)(i) of Regulation (EU) 2015/2365 with access to the details of all SFTs representing transactions, or relating to markets, securities lent or borrowed or provided as collateral, benchmarks used as references and counterparties that fall under the supervisory responsibilities and mandates of that authority. A trade repository shall also provide that authority with access to the details of the SFTs of all branches of counterparties established in a third country that operate in the authority's Member State.

(12) A trade repository shall provide the Agency for the Cooperation of Energy Regulators (ACER) with access to the details of all SFTs where the commodity lent or borrowed or provided as collateral is energy.

(13) A trade repository shall provide a resolution authority as referred to in Article 12(2)(k) of Regulation (EU) 2015/2365 with access to the details of all SFTs concluded by:

(a) a counterparty that falls under the responsibilities and mandates of that authority;

(b) a branch of a counterparty established in a third country that operates in the Member State of that resolution authority and falls under its responsibilities and mandates.

(14) A trade repository shall provide the Single Resolution Board with access to the details of all SFTs concluded by any counterparty that falls under the scope of Regulation (EU) No 806/2014.

(15) A trade repository shall provide a competent authority listed in Article 12(2)(m) of Regulation (EU) 2015/2365 with access to the details of all SFTs concluded by:

(a) a counterparty that falls under the responsibilities and mandates of that authority;

(b) a branch of a counterparty established in a third country that operates in the Member State of that competent authority and falls under its responsibilities and mandates.

(16) A trade repository shall provide an authority supervising a central counterparty (CCP) and the member of the ESCB overseeing that CCP with access to the details of all SFTs cleared or concluded by that CCP.