

Securities Financing Transactions Regulation

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Chapter 7

Commission Implementing Regulation (EU) 2019/364

Preamble

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012 (1), and in particular Article 5(8) thereof,

01/01/2021

Whereas:

(1) A uniform format for applications to the European Securities and Markets Authority (ESMA) for registration and extension of registration of trade repositories should ensure that all information required pursuant to Commission Delegated Regulation (EU) 2019/359 is submitted to, and easily identified by, ESMA.

(2) In order to facilitate the identification of the information submitted by the trade repository, every document contained in the application should bear a unique reference number.

(3) In accordance with Article 1(3) of Delegated Regulation (EU) 2019/359, where an applicant trade repository considers that a requirement of Delegated Regulation (EU) 2019/359 is not applicable to it, it must clearly indicate that requirement in its application and provide an explanation why such requirement does not apply. Those requirements and explanations should be clearly identified in the application for registration or extension of registration.

(4) Any information submitted to ESMA in an application for registration or extension of registration of a trade repository should be provided in a durable medium as defined in Directive 2009/65/EC of the European Parliament and of the Council (3) to enable its storage for future use and reproduction.

(5) This Regulation is based on the draft implementing technical standards submitted by ESMA to the European Commission, pursuant to the procedure in Article 15 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council

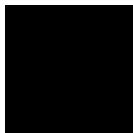
(6) ESMA has conducted open public consultations on these draft implementing technical standards, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010,

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HAS ADOPTED THIS REGULATION:

Article -1 Interpretation

Where a term is defined in Regulation 2015/2365/EU, as amended by The Transparency of Securities Financing Transactions and of Reuse (Amendment) (EU Exit) Regulations 2019, that definition shall apply for the purposes of this Regulation.



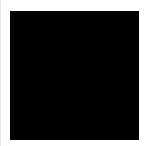
Article 1 Format of the application for registration and extension of registration

1. An application for registration or extension of registration shall be submitted in the format set out in the Annex.
2. The trade repository shall give a unique reference number to each document it submits and shall clearly identify which specific requirement in Delegated Regulation (EU) 2019/359 the document refers to.
3. An application for registration or extension of registration shall clearly indicate the reasons why information referring to a certain requirement is not submitted.
4. An application for registration or extension of registration shall be submitted in a durable medium meaning paper or any instrument which enables the recipient to store information addressed personally to him or her in a way accessible for future reference and for a period of time adequate for the purposes of the information and which allows the unchanged reproduction of the information stored. In particular, this covers floppy disks, CD-ROMs, DVDs and hard drives of personal computers on which electronic mail is stored, but it excludes internet sites, unless such sites meet the criteria specified in the first sentence of this paragraph. For the purposes of this term, the provision of information by means of electronic communications shall be treated as appropriate to the context in which the business between the firm and the client is, or is to be, carried on if there is evidence that the client has regular access to the internet. The provision by the client of an e-mail address for the purposes of the carrying on of that business is sufficient.



Article 2 Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.



Signature

01/01/2021

Done at Brussels, 13 December 2018.

01/01/2021

For the Commission

01/01/2021

The President

01/01/2021

Jean-Claude JUNCKER

**ANNEX I Format for an application for
registration or extension of registration as a
trade repository**

**FORMAT FOR AN APPLICATION FOR REGISTRATION OR EXTENSION OF REGISTRATION AS A
TRADE REPOSITORY**

GENERAL INFORMATION

Date of application	
Corporate name of the trade repository	
Legal address of the trade repository	
The types of securities financing transactions for which the trade repository is applying to be registered	
Name of the person responsible for the application	
Contact details of the person responsible for the application	
Name of the person(s) responsible for the compliance for the trade repository or involved in compliance assessments for the trade repository	
Contact details of the person(s) responsible for the compliance for the trade repository or involved in compliance assessments for the trade repository	
Identification of any parent company or any subsidiaries	

DOCUMENT REFERENCES

Article of (EU) 2019/359	Unique reference number of the document	Title of the document	Chapter/section/page of the document where the information is provided or reason why the information is not provided